



An
Bord
Pleanála

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

Inspector's Report ABP-308946-20

Strategic Housing Development

Demolition of a single storey shed, construction of 140 no. apartments and associated site works.

Location

Lands adjacent and to the rear of Cluain Mhuire Family Centre, Newtownpark Avenue, Blackrock, Co. Dublin.
(www.newtownparkavenueSHD.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Gleanveagh Homes Ltd.

Prescribed Bodies

1. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (Development Applications Unit (DAU)).
2. Irish Water.
3. Transport Infrastructure Ireland.

Observers

1. Bill & Mary Roche.
2. C.R Aldwell.
3. Catherine & Ivan Meagher.
4. Catherine Williams.
5. Cathy & Noel Wall.
6. Dermot Hogan.
7. Elaine Ni Dhioluin.
8. Scoil Náisiúnta na nAínheal
Coímhaeachta Guardian Angels
National School.
9. Greg & Lucy Cooney.
10. Iris and Greg Park.
11. Jackie Ryan.
12. John & Nuala Dalton.
13. John Kiernan.
14. Kevin & Maeve Garvey.
15. Maura Noonan.
16. Michael Gilmartin.
17. Michael Higgins.
18. Patricia Garrahy & Patricia
Garrahy – Browning.
19. Patricia Kenny.
20. Paul McDermott.
21. Rachel Bowtell.
22. Richard Boyd Barrett (TD) & Cllr.
Melisa Halpin.
23. Roger Evans.
24. Thelma Keogh.
25. William & Ciara Cronin.
26. William Dockrell.
27. Zoe & Hugh Greenan

Date of Site Inspection

19th February 2021.

Inspector

Daire McDevitt

Contents

1.0 Introduction.....	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation	6
6.0 Relevant Planning Policy	7
7.0 Third Party Submissions.....	17
8.0 Planning Authority Submission	22
9.0 Prescribed Bodies.....	29
10. Oral Hearing Request.....	31
11.0 Environmental Impact Assessment Screening.....	32
12.0 Appropriate Assessment Screening.....	33
13.0 Assessment.....	40
14.0 Conclusion	85
15.0 Recommendation	85
16.0 Recommended Draft Order.....	85

Appendix 1 List of Documentation submitted with the application.

Appendix 2 EIA Screening Form

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of approximately 1.46 hectares, is L-shaped and is located at Newtownpark Avenue, Blackrock, Co. Dublin. It is c.1km from Blackrock village and c.1km from Seapoint DART station. The site is within the curtilage of Cluain Mhuire (Protected Structure).
- 2.2. The site at present is overgrown, has colonies of knotweed (invasive species) and extensive tree coverage in parts. The site is predominantly separated from Cluain Mhuire by a belt of trees and vegetation but with some open boundaries in places. Cluain Mhuire is occupied by the HSE Cluain Mhuire Family Centre. It is bound to the west by Daughters of Charity Convent and associated lands, the Guardian Angels National School to the south. The eastern boundary is defined by Newtownpark Avenue (southern portion of the site) and the rear gardens of houses fronting onto Newtownpark Avenue (northern portion). The northern boundary abuts a single story dwelling (No.11a Newtownpark Avenue).

3.0 Proposed Strategic Housing Development

Permission is sought for a strategic housing development at this site of approximately 1.46ha on lands within the curtilage of 'Cluain Mhuire' (a protected structure [eastern façade and entrance gates only] RPS ref.no.776) Newtownpark Avenue, Blackrock, Co. Dublin.

The development will consist of the demolition of the existing c. 26sqm single storey shed on site and construction of a residential development comprising 140 no. apartment and duplex units across 5 no. 2-5 storey buildings (Blocks C&D over basement) comprising 1 studio apartment, 59 no. 1 bedroom apartments, 71 no. 2 bedroom apartments and 9 no. 3 bedroom apartments (along with a 'linked' single storey amenity building) as follows:

- Block A (4 storeys) comprises 32 no. apartments [balconies on all elevations] consisting of 17 no. 1 bedroom, and 15 no. 2 bedroom apartments;
- Block B (5 storeys) comprises 40 no. apartments [balconies on all elevations] consisting of 21 no. 1 bedroom and 19 no. 2 bedroom apartments;
- Block C (4 - 5 storeys over basement) comprises 31 no. apartments [balconies on all elevations] consisting of 1 no. studio apartment, 8 no. 1 bedroom, 17 no. 2 bedroom and 5 no. 3 bedroom apartments;

- Block D (4 storeys over basement) comprises 28 no. apartments [balconies on all elevations] consisting of 9 no. 1 bedroom, 15 no. 2 bedroom and 4 no. 3 bedroom apartments;
- Block E (2 - 3 storeys) comprises 9 no. duplex units [balconies on north and south elevations] consisting of 4 no. 1 bedroom units and 5 no. 2 bedroom units;
- Communal Amenity Space (889sqm) and public open space (1,680sqm) totalling 2,569sqm is provided throughout the site including internal amenity space/concierge area totalling 175sqm within a single story 'linked' building between Blocks A and B;
- Vehicular access to the development will be from the upgraded existing access from Newtownpark Avenue and will extend throughout the site linking to the basement car parking level (as well as provision of a future potential links to lands to the west and to Cluain Mhuire);
- Provision of 97 no. car parking spaces (29 no. surface car parking and 68 no. basement car parking); 226 no. cycle parking spaces (56 no. surface cycle parking space and 170 no. basement car parking) and 6 no. motorcycle spaces;

Provision of a single storey ESB substation, hard and soft landscaped areas, public lighting, attenuation, service connections, bin stores, and a new pedestrian crossing on Newtownpark Avenue and all ancillary site development works. 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 & the Blackrock Local Area Plan 2015-2021.

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.

In response to Q.7 (Applicant's Interest in the Site) of the application Form, the applicant has stated they are the landowners of the site and that "The red line boundary includes a section of Newtownpark Avenue in order to delivery a pedestrian crossing and service connection on part of the public road which the Council maintain. The service connection works relate to connections to watermains and surface water outfall for the proposed development on the application site and the delivery of a new toucan pedestrian crossing over Newtownpark Avenue. A letter of consent from Dun Laoghaire Rathdown County Council is included with the application. Correspondence attached also indicates that the Council have confirmed that they have the necessary powers to facilitate the proposed works on the public road subject to the appropriate licences once planning permission is granted."

A list of documentation submitted with the application is included in Appendix 1 of this report.

4.0 Planning History

PA Reg. Ref. D15A/0036 (ABP Ref.PL06D.245945) refers to a 2016 grant of permission for development consisting of the construction of a residential scheme comprising 48 residential units, accessed via a new vehicular access off Newtownpark Avenue. A total of 81 number car parking spaces at basement and surface level will be provided and other ancillary works. The development is within the curtilage of protected structures on a site of circa 1.27 hectares.

SHD applications in the vicinity:

ABP Ref. 303804-19 refers to a 2019 grant of permission of at St. Teresa's House and St. Teresa's Lodge (Protected Structures), Temple Hill, Monkstown for 291 apartments, conversion of St. Teresa's House, dismantling and relocation of St. Teresa's Lodge and associated site works.

ABP Ref. 306949-20 refers to a 2020 grant of permission for 298 units (276 apartment and 26 houses), conversion of protected structures at Dalguise House, Monkstown, Co. Dublin. This is the subject of Judicial Review.

ABP Ref 308877-20 refers to a current SHD application on the Former Europa Garage site, Newtown Avenue, Blackrock, Co. Dublin for 101 no. apartments.

5.0 Section 5 Pre Application Consultation

A Section 5 pre application consultation (ABP Ref. 307088) 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.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion (ABP 307088-20) 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 (NPF) (2018)

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

Blackrock is located within the Dublin Metropolitan Area. The following Regional Policy objectives are noted in particular:

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.4 Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas' 13, 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5 Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of

suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.3 Local

Dun Laoghaire Rathdown County Development Plan 2016-2022

Blackrock is designated as a Secondary Centre in the county settlement hierarchy.

Zoning:

'Objective A' which seeks 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective.

Cluain Mhuire (former known as Rockfield House), east façade only & Gate Piers, with pineapple finials and metalwork gates is designated as a Protected Structure (RPS No. 776).

Other nearby Protected Structures include:

- Dunardagh (Convent of the Daughters of Charity of St. Vincent de Paul) House (RPS No. 756)
- Formal Gardens of Dunardagh House (RPS No. 1897)

Chapter 2 'Sustainable Communities Strategy' includes:

Policy RES3: Residential Density.

Policy RES4: Existing Housing Stock and Densification.

Policy RES7: Overall Housing Mix.

Chapter 6 relates to heritage and includes policies relating to Protected Structures and ACAs including:

Policy AR1: Record of Protected Structures It is Council policy to:

- (i) Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- (ii) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (iii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- (iv) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

Chapter 8 sets out the principles of development and general requirements for residential development and infill development.

Appendix 9 Building Height Strategy for the county. Taller buildings are to be accommodated at specific key locations within the county, namely Sandyford, Cherrywood, Dundrum, Dún Laoghaire and UCD Belfield. These centres are

considered to be 'self-selecting' by virtue of their status as either Major Town Centres/ growth areas, major employment locations or in the case of UCD, a major national institution. Taller buildings will generally not be considered outside of these locations. In addition, LAPs, Framework Plans and SDZs within the county will identify specific sites that have potential for accommodating building height.

Appendix 13: Flood Risk Assessment

Blackrock Local Area Plan 2015-2021 (extended to 2025)

General policies apply:

Policy BK13 It is Council policy to promote and facilitate a high quality residential environment for existing and future residents.

Policy BK14 It is Council policy that all new residential development within the Plan area shall provide for a sustainable mix of house types, sizes and tenures that meet the needs of a range of households and that both complement and enhance the existing residential mix.

Policy BK06 It is Council Policy to ensure that any development proposals for the St. Teresa's & Dunardagh lands, Cluain Mhuire and former Europa Garage accord with the Site Framework Strategies prepared for these land parcels.

Site is identified as '**Potential Development Area**' - **located within Cluain Mhuire Character Area 2**

Section 2.1.3 (ii)- Cluain Mhuire

Section 3.5.2- Site Framework Strategy: Cluain Mhuire

Objectives

Height:

CS1 It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a range of building heights in accordance with the limits set out on Map 12 and the specific Character Area Objectives detailed in Section 2.1.3.

CS2 It is an objective of the Council that proposed building heights within the area identified on Map 12 as a Height Sensitive Area shall take particular cognisance of the setting of the Protected Structures and shall have no adverse impacts in terms of scale, height and massing.

Density:

CS3 It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a high quality residential development with a minimum density range of 35 - 45 units per hectare. Density calculations shall exclude Cluain Mhuire Character Area 1 identified on Map 6 and in Chapter 2, Section 2.1.3 and illustrated on Drawing 2 Site Framework Strategy from the total site area.

Open Space

CS4 It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall provide open space in accordance with the requirements of the current County Development Plan. Where possible existing mature trees shall be retained, subject to an Arboricultural assessment.

Housing Mix:

CS5 It is an objective of the Council that any proposals for new residential development on the Cluain Mhuire site shall incorporate a residential mix that complements and enhances the existing residential mix within the wider Plan area and in accordance with Section 5.2 of this Plan and Section 16.3: 'Residential Development' of the current County Development Plan.

Heritage:

Refer to:

- Chapter 2 Heritage and Conservation, Section 2.1.3 'Sites of Protected Structures with Development Potential'
- Cluain Mhuire Character Areas 1 and 2 (Map 6 Chp 2)

The specific Character Area Objectives CM1 – CM3 detailed in Section 2.1.3 form an integral part of this Site Framework Strategy. Cognisance of these heritage objectives will require to be incorporated in any redevelopment proposals advanced for the Cluain Mhuire site.

Movement:

CS6 It is an objective of the Council to ensure that a pedestrian and cycle connection is provided between the sites of Cluain Mhuire and St Teresa's and Dunardagh. Vehicular through traffic shall not be permitted.

Map 12 indicates that the site is identified as a Height Sensitive Area with proposed building height limits of 4 storeys in the southern part and of 3 storeys in the northern section of the site

DRAFT Dun Laoghaire Rathdown County Development Plan 2022-2028.

Rockfield House is a proposed protected structure (PRPS No. 2031).

6.4 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.

6.5 Applicant's Material Contravention Statement

The applicant has submitted A Statement of Material Contravention. The Statement provides a justification for potential material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 (CDP) in relation to unit mix and the Blackrock Local Area Plan 2015-2021 (as extended) (BLAP) in relation to the proposed building height and density of the scheme. The Statement also includes a justification in relation to the institutional lands objective which applies to the adjoining lands at St, Catherine's which requires the provision of 25% open space, should the Board be of the opinion this is a material contravention of the Blackrock Local Area Plan 2015-2021 (as extended).

The Statement also provides a justification in relation to childcare provision and the proposed unit mix.

It is submitted that recent national planning policy, as set out in the Statement of Consistency, provides for increased building heights on appropriately zoned and serviced lands adjacent to high frequency public transport.

Height:

The Blackrock Local Area Plan 2015-2021 (as extended) contains specific objectives relating to the site. In relation to building height Objective CS1 applies:

“It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a range of building heights in accordance with the limits set out on Map 12 and the Specific Character Area Objectives detailed in Section 2.1.3”

Map 12 indicates a maximum building height of 4 storeys for the site within a ‘height sensitive area’ and also indicated by way of dashed line in the centre of the site.

Elements of the proposed development are up to 1 storey higher than provided for in the Local Area Plan. It is considered that permission for the development should be granted having regard to national and regional planning guidelines for the area, Ministerial Guidelines under section 28 and policy directives.

Density:

The Blackrock Local Area Plan 2015-2021 (as extended) contains specific objectives relating to the site. In relation to density Objective CS3 states:

“It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a high quality residential development with a minimum density range of 35-45 units per hectare. Density calculations shall exclude Cluain Mhuire Character Area 1 identified on Map 6 and in Chapter 2, Section 2.1.3 and illustrated on Drawing 2 Site Framework Strategy from the total site area.”

Map 6 indicates a maximum density of 35-45 units per hectare for the subject site.

Justification for Height & Density:

Section 37(2)(b) sets out four criteria which allows the Board to materially contravene a Development Plan. The applicant is of the view that 37(2)(b) (i) and (iii) apply:

The proposed height and quantum of development is justified in the context of recent national Planning Policy and Section 28 Guidelines, which seek to increase densities on zoned serviced lands adjacent to public transport corridors. These include: Project Ireland : National Planning Framework 2040, Regional Spatial Economic Strategy for the Eastern & Midland Regional Assemble (2019), Sustainable Residential Development in Urban Areas (2009), Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) and Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

The site is located in a ‘central and/or accessible location’ as it is within 1km of Seapoint DART station and is also served by numerous bus services (stops within c.250m) which operate at interval frequency.

It is considered that the proposal meets the criteria for higher buildings as set out in the Guidelines on Building Heights. The site is well placed to absorb a high-density development, which is appropriately scaled and designed in the context of its urban surroundings, at a highly accessible location and in close proximity to high frequency public transport.

The proposal makes optimum use of this underutilised area of land which is zoned for residential development and is therefore considered compatible with adjacent existing land uses. The scheme integrates appropriately with the suburban environment and enhances public open space provision.

Under the provisions of SPPR3 Building Height Guidelines, it states that where the applicant sets out compliance with the criteria for assessing building height at the scale of the relevant town/city, at the scale of the district/neighbourhood and at the scale of the site/building. The applicant is satisfied that the proposal meeting the requirement of the development management criteria set out in the Guidelines.

It is therefore concluded that in accordance with Section 37(2)(b)(iii) that permission should be granted.

In addition, section 37(2)(b)(iv) is noted

'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 relevant precedent decision is ABP 303804-19, St. Teresa's House/Centre and St. Teresa' Lodge (Protected Structures), Temple Hill, Monkstown, Blackrock refers to a grant of permission for 294 residential units (1 to 8 storeys in height) and a density of 74 units per hectare.

Justification in relation to the provision of a creche at the site:

The proposal does not provide a creche.

Should the Board consider that the proposed development materially contravenes objective SIC11 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and Policy BK15 and EC1 of the Blackrock Local Area Plan 2015-2021 (as extended) in relation to the provision of a creche, the following justification is set out: Policy **SIC 11** of the CDP states:

"It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general. At least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage."

Blackrock Local Area Plan:

Policy **BK15** states:

"It is Council policy to facilitate and/or retain access to a full range of childcare and educational facilities required for the needs of the local population."

EC1 *"It is an objective of the Council that all planning applications for larger residential developments shall be required to provide one childcare facility (equivalent to a minim 20 child places) for every 75 dwelling units unless it can be*

satisfactorily demonstrated that there is already adequate childcare provision in the area.”

Justification:

Section 37(2)(b) (i), the proposal is for a strategic Housing Development, therefore is strategic in nature.

Section 37(2)(b) (iii), The provision of a creche is not required in this instance and is suitably justified in the context of the section 28 Government Guidelines and in particular in relation to the Sustainable Urban Housing: Design Standards for New Apartments (2018).

94% of the 140 no. residential units are studio, 1 bedroom and 2 bedroom units (apartments and duplex). The application includes a Creche Needs Assessment, this includes a review of capacities of existing facilities in the area. It is argued that given the unit mix and the anticipated demand is below 21 spaces that a creche is not required.

Justification in relation to the Institutional lands Objective:

The applicant has noted that the Board may consider that the proposed development potentially materially contravenes objectives **CS1** and **CS3** of the Blackrock Local Area Plan 2015-2021 (as extended) in relation to the provision of Open space as part of the development.

CS4 sets out the requirements for open space provision at lands at Cluain Mhuire and states:

“It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall provide open space in accordance with the requirements of the current County Development Plan. Where possible existing mature trees shall be retained, subject to an arboricultural assessment.”

The applicant in the Statement notes that CS4 applies only to the Cluain Mhuire Character Area as identified within the Blackrock Local Area Plan. The Institutional Lands Objective applies to the adjoining lands at St. Catherine’s which requires a provision of 25% open space at the site. Notwithstanding that the Land Use Zoning Map does not show “INST” on the application site, a justification is provided should it be construed that the 25% provision of open space applies to the subject site.

It is argued that in this instance, if the Board holds the view that the Institutional Lands Objective applies to the site, then material contravention is justified under section 37(2)(b)(i) as the proposal is for a Strategic Housing Development and (iii) in that the proposed quantum of open space (13%) provided within the development is justified in the context of the section 28 Government Guidelines and in particular in relation to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), in particular section 4.20 which states that large infill sites or brownfield sites public open space should generally be provided at a minimum of 10% of the total site area.

Open Space Provision:

There is a clear physical delineation between the subject site and St. Cathernine’s/Dunardagh. The subject site has been separated from lands associated

with Dunardagh since c.1860. There is also a clear separation in terms of landownership.

The applicant also refers to policy **DS11** of the Blackrock Local Area Plan 2015-2021 (as extended) which relates to the provision of open space and specifically applies to the adjoining lands which is within the Site Framework Strategy for St. Teresa's and Dunardagh.

Policy **DS11** states:

"It is an objective of the Council that, in the event of the redevelopment of the St. Teresa's and Dunardagh landholding, open space provision is in accordance with Policy RES5 'Institutional Lands', and the Open space and policy of the current County Development Plan will be required...."

The applicant further refers the Board to policy **CS4** which sets out the requirements for open space at the lands at Cluain Mhuire and states:

"It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall provide open space in accordance with the requirements of the current County Development Plan. Where possible existing mature trees shall be retained, subject to an arboricultural assessment."

The applicant has set out that CS4 applies only to Cluain Mhuire Character Area within the Blackrock Local Area Plan 2015-2021 (as extended) and does not refer to the Institutional Lands Objective. The applicant argues that it is evident and clear on the ground and historically as reflected in policies DS11 and CS4 that the 'institutional objective' does not apply to the subject site, which is entirely separate to Dunardagh. Therefore the proposed open space provision is acceptable for the scheme.

Precedent – Pattern of Development:

The applicant refers the Board to the extant permission on the site (**ABP Ref.P06D.245945, PA Reg. Ref. D15A/0036**) where open space was provided at 12%. At the time, neither Dun Laoghaire Rathdown or An Bord Pleanála found that the Institutional Lands Objective applied to the site, which would have required provision of 25% open space.

The Board is also referred to **ABP 303804-19** which relates a SHD application granted at St. Teresa's where the Institutional land objective applied.

The applicant has set out, that in the event that the Board consider that the Institution land objective applies to the site, then it is argued that material contravention is justified under Section 37(2)(b)(iv).

Justification for the proposed Unit Mix:

The Applicant notes that the Board may consider that the proposed development materially contravenes Section 8.2.3.3 (iii) Mix of Units Dun Laoghaire County Development Plan 2016-2022.

Section 8.2.3.3(iii)

"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 applicant notes that this may be considered a material contravention of the Plan notwithstanding the provisions of SPPR1 of the Apartment Design Guidelines.

It is argued that if the Board considers that the proposal materially contravenes Section 8.2.3.3(iii) then the Board would be justified in granting permission under section 37(2)(b)(i) as the proposal falls within the definition of Strategic Housing Development and section 37(2)(b)(iii), in particular SPPR1 of the Sustainable Urban Housing Design Standards for New Apartments (2018).

The applicant has set out that the proposed unit mix of 1% studio, 42% 1 bedroom, 51% 2 bedroom and 6% 3 bedroom units complies with SPPR1. Therefore the Board can grant permission in accordance with Section 37(2)(b)(iii).

It is respectfully submitted that should An Bord Pleanála consider the proposed development is a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2021, an appropriate justification is set out within the Material Contravention Statement demonstrating that the proposed development should be considered for increased building heights and density due to the location of the subject site, the overall context of the wider development, adjacent to high-quality public transport corridors, and the policies and objectives set out within the Urban Development and Building Heights Guidelines 2018.

It is also submitted that the 'institutional lands objective' relating to open space provision of 25% of the site area does not apply to the site as reflected in policy CS4 of the Blackrock LAP and appropriate justification is included accordingly. The proposed open space provision is considered suitable for the site and its context.

Further, a suitable justification is provided in relation to the capacity within the existing creches within the area to cater for future residents in relation to the expected need generated by the subject proposal. Therefore, a creche is not included within the scheme.

It is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the Local Area Plan and County Development Plan, by reference to sub-paragraphs (i) (iii) and (iv) of Section 37(2)(b) of the 2000 Act, as amended, for the reasons set out above.

7.0 Third Party Submissions

The Board received 25 Observer submissions. Most of the submissions have been made by local residents and included a joint submission from Richard Boyd Barrett (TD) and Cllr Melisa Halpin

There is a significant degree of overlap and reiteration of issues raised throughout the submissions. A summary the topics raised are as follows:

Material Contravention

- The proposal materially contravenes the Dun Laoghaire Rathdown County Development Plan and Blackrock Local Area Plan in terms of dwelling types and units mix, height, density and open space provision.
- The developer attempts to justify the application in relation to the national transportation and planning policies but completely ignores the potential adverse effects of the proposed development in relation to its immediate context and receiving environment – a factor which ought to be a primary consideration of a developer in the preparation of any planning application. The proposed development would therefore materially contravene the provisions of the current Development Plan for the area and be contrary to the proper planning and sustainable development of the area.
- The site is intrinsically linked to Dunardagh and was owned by the Sisters of Charity. A 2015 application by the HSE for Cluain Mhuire included a letter of consent from the Sisters of Charity. Therefore the ‘institutional lands objective’ extends to the site and the requirement for 25% open space provision.
- Consideration of the development of the nature proposed is no less that premature pending the proper statutory consideration of any change/alteration to either of the plans mentioned.
- The developer’s ‘justification’ of a material contravention does not enable the Board to ignore the provisions of the current CDP or the BLAP (as extended) not does it empower the Board to grant permission in accordance with the provision of section 37(2)(b) of the Planning and Development Act 2000 (as amended)

Density:

- Proposed density of 109uph is excessive and represents a significant increase from the permitted 36 uph on the site.
- The inclusion of the public road in the site area distorts the figures for open space and density.
- A lower density development would be more suited to the site and compatible with neighbouring residences.

Unit Mix

- Unit Mix, mostly 1 and 2 bed units, is not balanced so as to afford reasonable protection of existing residential amenity of the established character of the area.
- The demographic of the target market of the proposed development (young professionals and older people looking to downsize) are at odds with each other. It would be more appropriate to accommodate families in this area.

Design/Height:

- The development is too high for the area.
- The buildings are too close to boundaries with adjoining properties.
- The development would be out of character with the general surrounding area.
- Does not respect established building line.

Impact on adjacent and neighbouring properties

- The present planning permission on the site is for 46 units (mix of houses and small apartment blocks). The proposed application (140 units) triples that size in height, scale and mass. The overbearing nature of the proposed development will have an adverse effect on the residential amenity of all the neighbours, whether from overlooking, increased flooding, overshadowing, overbearing and invasion of privacy.
- The scale and massing of the proposed development in relation to the site of the development by reason of its design, siting, height and massing results in a form and density of development which is visually obtrusive, overbearing and overshadowing causing serious loss of amenity to the adjoining low density buildings and is contrary to the provision of the current County Development Plan.
- The design, siting, height and massing result in a form and density of development which is visually obtrusive and causes serious injury to existing residential properties along Newtownpark Avenue, contrary to the provisions of the County Development Plan.
- BRE targets are more appropriate for use in assessing impacts for low density suburban developments .
- Separation distance do not comply with the CDP “the minimum clearance distance of circa 22 metres between opposing windows will apply in the case of apartments up to three storeys in height.”

- The development by reason of its height, massing and siting in close proximity to Guardian Angels NS will result in a visually dominant form of development and serious overlooking of the school, as well as overshadowing the entire school for the greater part of the year.
- The siting of the bin storage structure within a couple of metres of classrooms will result in great inconvenience and nuisance due to unpleasant odours, noise and other distractions.

Invasive Species

- The ECIA submitted fails to adequately deal with the pervasive presence of Japanese Knotweed on the site. It also ignores best practice for the removal of Japanese Knotweed. The School is particularly vulnerable to an invasion of knotweed should be present infestation on the site be disturbed in the manner proposed.
- The immediate excavation/removal of knotweed, the creation of 'isolation areas' and the placing of 'temporary' planning on site is not only inadequate but is highly dangerous. The Board has not been presented with adequate information to assess the detrimental and adverse impact resulting from the improper removal of Japanese Knotweed from the site.
- The risk of residual knotweed has not been dealt with.
- The SHD process does not allow the Board to seek further information and therefore the Board should refuse permission on this ground.

Landscaping & Boundary treatment:

- The landscape proposals submitted for the site are inwardly focused on internal public realm while removing existing trees and planting along site boundaries.
- Evergreen species along boundaries may result in unacceptable overshadowing and visual intrusion upon adjoining property.
- The developer and their landscape architects should have engaged with adjoining property owners where it is proposed 'wholesale' removal of trees and existing planted boundaries proposed, in order to satisfactorily mitigate the effects of denuding the site and to take account of the amenity of adjoining properties.

Flood Risk

- There is a need for caution with regard to further disturbance of the natural drainage on the lower part of Newtownpark Avenue.
- The area is near the bottom of the hill and geophysical studies have shown it is in a hollow with drainage also coming from other directions.
- Flooding hazards are likely to increase with the forecast future additional precipitation due to climatic change.
- A drain along the front of the site has been blocked many times and flooding occurs after heavy rain.
- SSFRA only looks at applicant's lands, does not assess adjoining lands.

- History of flooding of houses along Newtownpark Avenue.
- Swamp to the west to the site which is the start of the Monkstown Valley which has flooded many times and is not mentioned.
- Submission include one from C.R Aldwell, former principal geologist in Environmental Geology at GSI (amongst other accreditations). He raised a number of issues which also included ecology and potential disturbance to the natural drainage in the lower part of Newtown Avenue. Not only is the area near the bottom of a long hill but as geophysical studies have shown it is in a hollow with drainage also coming from other directions. Flooding hazards are likely to increase with the forecast future additional precipitation due to climatic change. The proposed development needs to be fully assessed in this context before permission is granted.

Traffic & Transportation:

- Traffic hazard and safety concerns arising from the opening of a new road onto Newtownpark Avenue.
- No crossing point.
- Additional traffic on already congested road.
- The assessment submitted with the application notes there will be an increase of 6.11% in traffic, this does not take into consideration the vehicle access road from a future development of the Dunardagh site. The potential through route is in contravention of the Dun Laoghaire Rathdown County Development Plan and the Blackrock Local Area Plan which sets out that there should be no vehicle permeability between the Cluain Mhuire and Dunardagh sites, however pedestrian and cycle access would be allowed. The Plans show a vehicular access.
- Concerns that the baseline information gathered for the assessment, included in the documents for the proposed development, was conducted during a Covid pandemic when traffic patterns were affected by Government restrictions.
- The sensitive nature of the area, the number of school children attending two schools merits a more detailed assessment of the potential impacts on the safety of these children.
- 97 car parking spaces results in a parking at ratio of 0.7 in an area where car parking is at a premium following the recently installed cycle lanes.
- Insufficient parking will lead to overflow along nearby residential streets.
- Newtownpark Avenue is a very busy arterial road linking the junction with Temple Hill with White's Cross and traffic to/from the M50 and the Leopardstown and Sandyford Estates. Additional traffic from the proposed development will exacerbate existing traffic levels and congestion along this road.

- Traffic congestion and the existing safety hazards have been magnified by the installation of two cycle paths along Newtownpark Avenue. This has led to the removal of on street parking and the levels of cycling activity has not material increased.
- Light pollution from cars exiting onto Newtownpark Avenue as they will shine directly into residential properties on the opposite side of the road.
- Noise pollution from cars entering/exiting the development and from increased traffic volumes.
- Claims that the site is well served by public transport are baseless and misleading. Any consideration on the basis of future potential connectivity remain hypothetical.
- 90m sightlines are not achieved at the proposed entrance.
- Traffic hazard to new bike lanes.

Ecology/Biodiversity:

- Query Bat Survey and statement that no bat roost present on site.
- Loss of trees and negative impact on visual amenities of existing residents along Newtownpark Avenue.
- Part of the site becomes swampy every year and is a habitat for frogs.
- Loss of habitats. The site is home to bats, frogs, badgers, butterflies, moths and numerous bird species.
- Urban foxes living at this location will be threatened.
- Query if an EIA has been carried out.

Public Participation

- Restrictions have resulted in lack of public participation in the process.
- Unable to hold meetings to discuss proposals as normally would be the case in the area.
- The developer has not engaged in consultation with the adjoining school. Property owners or local community.
- SHD process is flawed and undemocratic. It does not take into consideration the normal planning process, local Development Plans or the wishes of the local community.
- The SHD process has not addressed the housing crisis or the housing needs of the local community.
- Reference to Eco Advisory V Keegan Land Holdings Ltd court case relating to the Planning and Development (Housing) Act 2016 and the exclusion of public from participation in SHD Pre -Planning Consultation. Reference to Cairn Homes development on the RTE site which was quashed under Judicial Review.

Construction Phase:

- Noise, working hours, truck movement, lack of details on duration of construction phase, etc

Other:

- Omissions and/or inaccuracies in the document highlighted, these range from the omission of No.11a in documents, misleading information regarding accessible nature of the site and frequency of buses, No.11a is excluded from analysis in the Daylight/Sunlight/Overshadowing Study, bat survey notes no bat roosts (this is disputed as potential ones have been observed)
- Site boundaries include public road.

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 22 February 2021. 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 (HEPI Area Committee meeting 26th January 2021).

- Concerns raised with respect to the height and scale of the proposed development, in particular the transition in scale of the proposed buildings and its inappropriateness in relation to adjoining properties which are mainly 2 storey.
- The proposed development will result in overlooking, particular concerns with respect of the overlooking of adjacent school and potential child safety issues.
- The proposals will result in overshadowing.
- The impact on traffic in the area in terms of:
 - Movement.
 - Traffic safety given proximity to local school.
 - Potential traffic congestion, both during construction and ongoing.
 - Access to adjacent lands at St. Catherine's/Dunardagh.
- Proposed development is not in compliance with County Development Plan and Local Area Plan and particular concern raised with respect to the proposed vehicular and access to St. Catherine's/Dunardagh.
- Concerns raised with respect to inadequate proposals for the provision of car parking within the site and potential parking overspill in the surrounding area.
- The proposal will impact on biodiversity, in particular reference made to 3 types of Bats on the site.

- Concerns with respect the level of tree removal and the types of replacement trees proposed.
- Concerns raised in relation to the treatment and removal of Japanese knotweed identified with the site.
- Concerns with regard the lack of childcare facility provisions.
- Regarding the SHD process, the following points were made:
 - Record will show the legislation is not delivering homes.
 - The legislation should be scrapped.
 - The SHD process will result in the over supply of 1 and 2 bed units.
 - With respect to the proposal for Part V, concerns raised with respect to the number of bedrooms to be provided and level provided is less than 10% and close to 7.5% of the development.
- Concerns raised with respect to a number of inaccuracies in the documentation submitted, in particular with regard to No. 11a Newtownpark Avenue and the level of bus service provide by the 46E, which is stated to be every 10/15 minutes when it runs closer to twice a day.
- Concerns with regard to the timing of the application at Christmas and that this prevented residents getting involved in the process, in particular the elderly.
- With respect the CGIs submitted as part of the application, it is requested that such images be verified for assessment.
- Addressing the reports submitted, view expressed that the beware of expert views.
- Concerns raised with respect to the impact of Block E in terms of overlooking of No. 11a Newtownpark Avenue.

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:

Principle of Development:

- The site is in an area zoned objective 'A'. Residential development is 'permitted in principle' subject to compliance with relevant policies, local objectives, standards and requirements of the current County Development Plan.
- The site has an extant permission for a residential scheme comprising a combination of houses and apartments. However, the Planning Authority shall have regard to section 3.5.3 (Site Framework Strategy Cluain Mhuire) of the Blackrock Local Area Plan 2015-2021 (extended to 2025) which provides clear guidance on the composition, layout and form of development that can be delivered on site. In addition, the site is located in an established area which typically has a low-rise character. The proposal, therefore, should have due regard to the context of the site and surrounds and ensure residential amenity of established residences is preserved.

Building Heights:

- Reference to local objectives CS1 and CS2 of the Blackrock Local Area Plan (LAP). Map 12 of the LAP indicates a maximum building height of 4 no. storeys applies to the southern section of the site and a maximum building height of 3 no. storeys to the northern section. The mapping clearly indicates that the building heights should be graduated to 3 no. storeys to the northern portion of the site where it has an abuttal with the existing residences on Newtownpark Avenue.
- The Planning Authority is generally satisfied that the design, height and scale of Block A, D and E are in accordance with objectives CS1, CS2 and Map12 of the LAP whereby it ensures that a gradation in height is provided adjacent to the more sensitive interfaces. With respect to Blocks B & C, it is acknowledged that although buildings are sited within the lower portion of the site.
- The proposed buildings exceeds the maximum permitted building height as prescribed in map 12 of the LAP. However, the Planning Authority is satisfied that the proposal has demonstrated compliance with the development management criteria set out in section 3 of the Building Height Guidelines. The proposed building have been designed to a high standard with the additional height being concentrated in the lower south-western corner of the site, The use of high-quality materials and finishes and the proposed architectural design will provide visual interest and a built form which is sympathetic to the architectural character of the surrounds.
- The Planning Authority is satisfied that the proposed development accords with current emerging national strategic policy which aims for additional heights at appropriate locations subject to criteria set out in the Building Height Guidelines 2018.
- The proposed heights would accord with the proper planning and sustainable development of the area and would not unreasonably detract from the amenity of adjoining properties or protected structure and proposed protected structures subject to conditions.

Density:

- 140 units on a site with an overall area of c.1.46 ha results. Based on the 'developable site area' a density of 109 units per hectare is proposed.
- Policy CS3 of the Blackrock LAP in relation to density states that it is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a high quality residential development with a minimum density range of 35-45 units per hectare.

- Although the proposed density is significantly higher than the minimum densities outlined in the LAP, the Planning Authority is satisfied that a higher density of development can be successfully absorbed at this location given the specific of the adjacent site and will not impact on the setting and character of the adjacent protected structures, The proposed development is therefore considered to be generally in accordance with the policy of the current County Development Plan and the Blackrock Local Area Plan in terms of appropriate densities.

Urban Form:

- Section 3.5.2 of the Blackrock LAP sets out the Site Framework Strategy for Cluain Mhuire.
- The Planning Authority is satisfied that the layout and design of the proposed development is of high quality and provides adequate separation distances to the architectural heritage and Protected Structures.

Compliance with Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (2020):

- Development complies with SPPR1(unit mix), SPPR3 (floor areas), SPPR5 (floor to ceiling height), SPPR6 (units per lift core), storage proposal and private open space requirements.
- The applicant has stated that 60% dual aspect (84 units) is provided. On review of the drawings it is noted that c. 71% of the units in Block C are single aspect and c.57% on Block D. A number of units (18) have ‘wrap around’ window which is classified as dual aspect. A more appropriate figure for dual aspect is 47% (66 units) which is marginally below the apartment standards. This is considered acceptable.

Landscape & Open Space:

- Reference to the applicants statement that the subject site is located adjacent to the lands of Dunardagh with includes objective ‘INST’ ‘to protect and/or provide for Institutional Use on open lands’ where open space provision of 25% of the total site area will be required. The applicant noted that policy CS4 applies only to the Cluain Mhuire Character Area as identified within the Blackrock LAP.
- Reference to concerns raised by the Parks and Landscape Services department relating to the provision of usable open space and proposed screening mechanisms to mitigate the scale and massing of the development within the curtilage of a protected structure.
- Although the siting and quantum of communal and open amenity space proposed is acceptable and is considered to offer a good standard of amenity to future occupants. Some of the concerns raised by the Parks and Landscape Services are shared.

- Tree removal is inevitable and there is an extant permission on site which has permitted similar extent of tree removal.
- The recommendations of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media are noted. Invasive species management plan included in the EclA will be required to be adhered to.

Residential Amenity:

The proposed c.175sq.m of internal amenity space for future residents is acceptable.

Permeability/Pedestrian & Cycle Flow:

- The proposal to create cycling/pedestrian connection and permeability between the subject site and St. Teresa's and Dunardagh as per the Blackrock LAP are welcomed.

Impact on adjoining amenities:

- The Planning Authority is satisfied that the proposal will not unreasonably compromise the residential amenity of adjacent dwellings by reason of overshadowing or by being visually overbearing.
- However, given the separation distance of the proposed Block D and adjoining boundaries and the urban setting, it is considered that the proposal may result in some level of oblique overlooking from the north eastern section of Block D of the rear amenity space associated with No. 21 and a lesser extent of the rear amenity space associated with No.19 and No.17 Newtownpark Avenue. To address this a condition is recommended that balconies associated with residential units above ground floor level (D-11, D-21 and D-31) located on the eastern elevation of Block D be fitted with 1.8m screens.
- The Planning Authority is cognisant of the extant permission for the site and that the precedent for building height as proposed has been established. Thus, the Planning Authority considers that given the design and stepped nature of the proposed building, the separation distance of Block E and the orientation of the site, it is not considered that proposed Block E will not unreasonably compromise the residential amenity of the dwelling on lands to the north by reason of overshadowing or by being visually overbearing.
- While the overall height and location of Block E is deemed acceptable. Concerns are raised with respect to overlooking from this Block from the 2nd floor northern elevation windows and from the 1st floor recessed northern elevation balcony of the amenity space associated with No.11a Newtownpark Avenue. It is recommended that Block E be reduced to a height level of 2 storey with the omissions of residential units E-01, E-02, E-03 and E-04 and that the 1st floor recessed balcony associated with unit E-05 be omitted.

- Given the scale and form of the proposed buildings, the setback of Blocks B, C & D from the eastern and western boundaries, the Planning Authority is satisfied that the proposal will not unreasonably compromise the amenity or the architectural heritage of the Protected Structure or proposed Protected Structures on lands to the east or west by reason of overshadowing or by being visually overbearing.
- the Planning Authority is satisfied given scale and form of the development, the setbacks of Blocks A&B from the southern site boundary and the orientation of the school building, that the proposal will not unreasonably compromise the amenity or the architectural heritage of the school reason of overshadowing or by being visually overbearing.
- The Planning Authority considers that given the separation distances proposed between the proposed Blocks and the adjoining boundaries, the landscaping proposals including a woodland buffer and the site context, that the proposal will not unduly compromise the amenity of school building or school grounds by reason of overlooking.

Built Heritage

- The Planning Authority noted the main concerns raised by the Conservation Section relate to design, height and non-compliance with the Site Framework Strategy of the Blackrock Local Area Plan and the Building Height Guidelines.
- The Planning Authority is satisfied that the proposed development can be integrated into this architecturally sensitive site without being visually overbearing as viewed from adjacent lands, Protected Structures and proposed Protected Structures or the streetscape of Newtownpark Avenue.

Archaeology:

- An Architectural Impact Assessment and a desktop Archaeological Assessment submitted with the application are noted. Recommended condition by the Department are also noted. These are considered reasonable.

Childcare:

- The Planning Authority accepts the applicant's rationale regarding the proposed unit mix and the policy contained in Section 4.7 of the Apartment Guidelines. It is therefore considered that the non-provision of childcare facilities is acceptable in this specific instance.

Drainage:

- There are a number of outstanding issues in relation to run-off rates, attenuation proposals, pumping of surface water, etc. Appropriate conditions have been recommended to address outstanding matters that should be attached if a grant of permission is forthcoming.

Transportation:

- The proposed development is, in general terms, cognisant of the relevant objective of the current County Development Plan and the Blackrock Local Area Plan. The submitted Transport Assessment adequately assesses the existing road infrastructure, future permeability links including pedestrian and cycle facilities, future developments, proximity of public transport, including bus and nearby amenities.
- 97 no. car parking spaces are proposed resulting in a shortfall of 43 no. spaces. A car parking ratio of 1 space per unit is recommended , i.e 140 spaces.
- The Planning Authority noted and is in agreement with the Transportation Planning Section with regard to the quantum of car parking provided and whilst the subject site is served by a good public transport links, in this particular instance do not support the reduction in car parking proposed.
- The Planning Authority notes that a condition requiring 140 spaces may have implications on the basement configuration, the provision of the additional car parking may result in changes to the provision of cycle parking and bin storage facilities currently proposed at basement level.

Other Issues:

- Bin storage & waste management (appropriate conditions recommended).
- Public lighting (suitable conditions recommend).
- Letter of consent and from Dun Laoghaire County Council included.
- Part V (appropriate condition to be attached).
- Taking in Charge (appropriate condition to be attached).
- Boundary treatment (the Planning Authority is not satisfied that sufficient information has been submitted and request that an appropriate condition be attached requiring further details).

Appropriate Assessment and EIA Screening:

The Planning Authority note that An Bord Pleanála is the competent Authority.

Comment on submissions/observation received from third parties is included in the Chief Executive's Report:

- The Planning Authority considers that the development as proposed is acceptable at this location and will not unreasonably compromise the residential amenity of properties within the surrounds of the application site. In addition specific conditions have been recommended to address residential amenity impacts on adjacent dwellings.

8.5 Summary of Inter-Departmental Reports

Conservation Division (29th January 2021) outstanding concerns set out in report.

Transportation Planning (1st February 2021) outstanding issues highlighted and recommended conditions attached.

Parks and Landscape Services (11th January 2021) outstanding issues highlighted and recommended conditions attached.

Drainage Planning (2nd February 2021) outstanding issues highlighted and recommended conditions attached.

Housing Department (18th January 2021), no objection subject to condition (part V)

Waste Management Section (8th February 2021) outstanding issues highlighted and recommended conditions attached.

Public Light and Building Control Reports also included

8.6 Recommendation

The Planning Authority recommended permission be granted for 136 units subject to 42 no. conditions. Including a condition requiring the Block E, be reduced in height by one floor, by the omission of the unit numbers E-01, E-02, E-03 and E-04.

The recommendation includes inter alia standard conditions, conditions setting out amendments to the scheme, a number of specific technical conditions (drainage, transportation and Parks & landscaping Services) ecology, archaeology, etc

9.0 Prescribed Bodies

- 9.1 Under the 'Opinion' that issued (ref. ABP 307088-20) 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 Irish Water (1st February 2021)

- IW previously noted at pre consultation that the application has been issued a Confirmation of Feasibility for connection(s) to the Irish Water Network(s)
- Wastewater:
The connection should be made to the 375mm combined sewer on Newtownpark Avenue. Surface water connection is not permitted into this sewer. Full details of storm water management for the development are to be agreed with Dun Laoghaire Rathdown Drainage Division.

- The applicant has engaged with Irish Water in respect of design proposal for which they have been issued a Statement of Design Acceptance for the development.
- Irish Water respectfully request that the Board attach the recommended conditions to any grant.

9.3 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. **(1st February 2021):**

Archaeology:

- Archaeological Desktop Assessment Report submitted with the application has been examined and the Department agree with the archaeological mitigation suggested in the report (Section 5). Planning condition should be attached to any grant of permission pertaining to the archaeological monitoring of topsoil stripping across the development site.

Nature Conservation:

- The Department noted that the site where the development is proposed is relatively well wooded, and in particular that a south eastern section of the site adjacent to the entrance to it from Newtownpark Avenue has been classified in the Ecological Impact Assessment (EclA) submitted with the application as Mixed Broad leaved Woodland (WD1).
- The Department recognises that the development proposed requires the loss of almost all the trees from the south east section of the site, and overall the removal of 139 of the 181 individually identified trees on the site as well as six groups of trees and part of another group. Given the scale of the development proposed and the shape of the site and the fact that it is zoned A “To protect and-or-improve residential amenity”, such tree losses are probably inevitable.
- The existing planning permission for the site (ABP Ref P06D.245945, Planning Ref D15A/0036) similarly necessitates the removal of the south eastern area of woodland.
- It is also noted that to avoid delay in carrying out the proposed development, the Invasive Species Management Plan submitted in support of this application concludes that the only feasible method of dealing with the two major Japanese knotweed infestations on the site, one of which coincides with the south eastern woodland area and the other of which is situated near the western treeline, is the wholesale removal of contaminated soil from the areas where the knotweed occurs together with the stands themselves.
- The Department highlights that the number of trees to be removed from the development site will definitely result in some detrimental impacts on local biodiversity.

- The number of bird species nesting on the site may be expected to decrease; for instance the two ground nesting warbler species, which relatively rarely occur in suburbia, will almost certainly disappear. Three of the trees found to have features potentially suitable as bat roosts are also to be removed.
- These effects are recognised in the supporting EclA, which states that with regards to birds there will be a “negative, permanent significant local impact” as a result of habitat loss, and similarly for bats, due to the loss of foraging habitat, a “negative, significant local impact”. In addition because of increased lighting levels there will be a “negative, permanent, moderate local impact” on bats. The site of a derelict possible badger sett located in the south eastern section of woodland will disappear too.

The Department recommends that the Board, when carrying out its overall evaluation of the present application, should consider whether, because of the negative effects on biodiversity likely as a result of the proposed loss of trees from the development site, it is feasible to retain more of the existing trees on the site by adjusting the scheme’s proposed layout, or alternatively require the applicant to increase the number of trees to be incorporated in the development’s landscaping.

A list of recommended conditions to be attached to any grant of permission are set out.

Transport Infrastructure Ireland (11th January 2021):

In the case of this planning application, Transport Infrastructure Ireland has no observations to make.

10.0 Oral Hearing Request

One Observer submission 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.

Having regard to the nature, scale and location of the proposed development, the particular issues raised in the submissions do not give rise to 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.

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 140 apartments in 5 no. blocks on a site with a stated area of c. 1.46 hectares (Net developable area of c.1.27 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 2.

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

The conclusion of this is assessment is as follows:

Having regard to

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(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; The location of the

site on a site identified for development potential in the Blackrock Local Area Plan 2015-2021 (extended to 2025)

- (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) and Construction Environmental Management Plan.

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

12.0 Appropriate Assessment Screening

12.1 AA Introduction

This assessment is based on the submitted AA Screening Report, prepared by Enviroguide Consulting, dated December 2020. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

12.2 The Project and Its Characteristics

A description of the site is provided in this Appropriate Assessment Screening Report. Section 3.0 of this report contains a detailed description of the proposed development.

12.3 The European Sites Likely to be Affected - Stage I Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to

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

The AA Screening report submitted by the application used a precautionary principle and included all European sites within a 15km radius of the project site.

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

I note that the following Natura 2000 sites were examined in the submitted AA Screening Report, but are found not to lie within the zone of influence of the project, with regard to their Conservation Objectives:

SAC	SPA
<ul style="list-style-type: none"> • Baldoyle Bay SAC (0199) • Bray Head SAC (0714) • Ballyman Glen SAC (0713) • Howth Head SAC (0202) • Ireland's Eye SAC (2193) • Knocksink Wood SAC (0725) • Rockabill to Dalkey SAC (0300) • Wicklow Mountains SAC (2122) 	<ul style="list-style-type: none"> • Baldoyle Bay SPA (4106) • Dalkey Islands SPA (4172) • Howth Head Coast SPA (4133) • Ireland's Eye SPA (4117) • Wicklow Mountains SPA (4040)

As these sites lie a sufficient distance from the site and without hydrological links, it can be concluded that they will not be impacted by the development and I have therefore excluded them from the remainder of this AA screening.

The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during construction phase with minor localised noise and light impacts during this stage of development.

Drainage from the site, in terms of foul and surface water, would be an external output during both the construction and operation phases. There is no direct hydrological connection to any Natura 2000 sites. There is an indirect connection available to the Dublin Bay Natura 2000 site via the public surface water network to the River Tolka and foul network via the Ringsend Wastewater Treatment Plant. The designated area of sites within Dublin Bay, which includes South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and

North Bull Island SPA are the sites in closest proximity to the development site and to the outfall location of the Ringsend Wastewater Treatment Plant. They could therefore be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways between them and the subject site.

The Conservation Objective and Qualifying Interest for the relevant sites are:

Site (site code)	Distance from site (approx.)	Conservation Objectives/Qualifying Interests/Species of Conservation Interest
North Dublin Bay SAC (0000206)	6km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA (004006)	5.9 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>

		<p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and Tolka Estuary SPA (4024)</p>	<p>750m</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>

South Dublin Bay SAC (000210)	790m	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
-------------------------------	------	---

12.4 Potential Effects on Designated Sites

The development site is approximately 750m from the boundary of the South Dublin Bay and River Tolka estuary SPA and the South Dublin Bay SAC as the crow flies. The intervening land in each case is occupied by artificial/highly modified habitats. Because of the distance separating the development site and these Natura 2000 sites there is no pathway for loss or disturbance of habitats listed above or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.

The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location. There is no evidence to suggest that the proposed increase in building heights will have the potential to adversely impact species associated with Natura 2000 sites.

Habitats on the site are not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. No ex-situ impacts can occur.

There is no direct open-water pathway to Natura 2000 sites at Dublin Bay. The nearest watercourse to the site is the Monkstown Stream (Stadbrook stream) located c.280m to the south of the site. No significant effects will occur to the SACs or SPAs from surface water leaving the site during operation, and as a result of the distance and temporary nature of works, no significant effects to the SACs or SPAs will occur during construction. Pollution sources will be controlled through the use of best practice site management. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. These practices are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site.

On the basis of the findings above, the information submitted with the application and the temporary nature of construction works, I consider that there is no likelihood of loss or disturbance of important habitats or important species associated with the

features of interest of the SPAs or qualifying interests of the SACs as a result of construction works on the site.

During the occupation stage, there is a hydrological pathway through the foul sewers from the site to Dublin Bay via the Ringsend WWTP. Water quality is not listed as a conservation objective of the SPAs or SACs and there is no evidence that poor water quality is negatively affecting the conservation objectives of the SPAs/SACs. The development will increase loadings to the Ringswater WWTP. This increase will be relatively small compared to overall capacity and therefore the impact of this project is considered to not be significant.

I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

12.5 In Combination or Cumulative Effects

This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.

The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Dun Laoghaire Rathdown County Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development providing for 140 residential units on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to AA Screening. Similarly, I note the planning authority raised no AA concerns in relation to the proposed development.

While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP now underway will allow the Ringsend WWTP to treat the increasing volumes of wastewater arriving at the plant to the required standard, enabling future housing and commercial development in the Dublin area. The project will deliver, on a phased basis, the capacity to treat the wastewater for a population equivalent of 2.4 million while achieving the standards of the Urban Wastewater

Treatment Directive. In February 2018, work commenced on the first element, the construction of a new 400,000 population equivalent extension at the plant. These works are at an advanced stage with testing and commissioning stages expected to be completed in the first half of 2021. Works on the first of four contracts to upgrade the secondary treatment tanks at the plant with Aerobic Granular Sludge (AGS) Technology is due to commence in November 2020. The addition of AGS technology will allow more wastewater to be treated to a higher standard within the existing tanks. The second contract is at procurement stage and is expected to commence in Q3 2021, following the completion of the capacity upgrade contract. These contracts are phased to ensure that Ringsend WWTP can continue to treat wastewater from the homes, businesses, schools and hospitals of the Greater Dublin Area at current treatment levels throughout the upgrade works. The details of these upgrade works are available at www.water.ie/projects-plans/ringsend.

Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. .

Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

12.6 AA Screening Conclusion

In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of these sites' Conservation Objectives, and having

regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS). In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

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; The Blackrock Local Area Plan 2015-2021 (extended to 2025); 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
- Unit Mix
- Height
- Design & Layout
- Open Space
- Residential Amenity
- Architectural Heritage & Archaeology
- Ecology/Biodiversity
- Trees
- Site Services, Drainage & Flood Risk
- Traffic and Transportation
- 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 140 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.

There is an extant permission, granted in May 2016, for residential development at the site under PA Ref. D15A/0036 (ABP Ref. PL.06D.245945) for 40 residential units, (mix of apartments and houses) The current proposal before the Board is for 140 Units (135 apartments and 5 duplex) in five blocks, an increase of 100 units.

The site is zoned under land Use objective 'A', therefore residential development permitted in principle subject to compliance with the relevant development management standards. The principle of apartment development, albeit at a smaller scale, has been established on the land by virtue of the extant permission. 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. Blackrock is located within a 'strategic development corridor' of Dublin as it is within the North-South Corridor around the DART facility.

The current proposal is for 140 units on a site with a stated area of 1.46 hectares and a net developable area of c.1.27 hectares results in a density of 110 unit per hectare.

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.

The Observers consider the proposed density unacceptable for this location and materially contravene the densities set out in the Blackrock Local Area Plan 2015-2021 (as extended). Policy CS3 of the LAP sets out minimum density range of 35-45 units per hectares. Map.11 indicates 35-45 proposed units per hectares for the site. The DLRCC Chief Executive's Report notes that while the density proposed is significantly higher than the minimum densities outlined in the Blackrock Local Area Plan, the Planning Authority is satisfied that the site can absorb a higher density of development proposed density is acceptable and that the proposal is considered to be generally in accordance with the policy of the current County Development Plan and Blackrock Local Area Plan in terms of appropriate densities.

While I concur with the planning Authority that having regard to the location and context of the site within 1km of high frequency rail service and proximate to a number of bus stops where minimum densities of 50 units per hectare are encouraged as per RES3 of the County Development Plan, the density proposed is not a de minimus exceedance of the range set out in the Local Area Plan and therefore is a material contravention of the Local Area Plan. I address this in section 13.13.

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 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, within 1km of Seapoint DART station, proximity to Stradbroke Road QBC 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 type and mix of units proposed and that the scheme does not address the housing demand in the area. Concerns raised regarding the lack of family units. And that the proposed unit mix materially contravenes the current County Development Plan and the Blackrock Local Area Plan. 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.

RES7 (housing mix in the county) and Section 8.2.3.3 the Dun Laoghaire Development Plan 2016 – 2022, 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 59 no. 1 bed units (ie 42%). The Advisory Note attached to Development Plan Chapter 8 states:

“... the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments ...”

The Advisory Note therefore specifically excludes section 8.2.3.3 (iii) in relation to the matter of unit mix. I address the issue of material contravention in section 13.13.

LAP objective CS5 states that any proposals for new residential development on the Cluain Mhuire site shall incorporate a residential mix that complements and enhances the existing residential mix within the wider Plan area and in accordance with Section 5.2 of this Plan and Section 16.3: ‘Residential Development’ of the current County Development Plan.

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 1 x studio (1%), 59 x 1bed units (42%), 71 x 2 bed (51%), 9 x 3 bed (6%). 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.

The applicant submits that the development is consistent with SPPR 1. I note observer concerns that the housing mix will result in transient residents at the development and that, due to the lack of larger units, the development will not be attractive to families in the area. However, I am satisfied overall that the proposed housing mix will add to the range of housing typologies available in this established and highly accessible residential area, in view of changing demographic trends and national and local planning policies to provide a wider diversity of housing typologies. The housing mix is acceptable in principle on this basis. I also note that the planning authority states no objection in principle to the proposed housing mix.

13.3 Height

The proposed development comprises of the construction of 140 no. units (135 apartments and 5 duplex) in 5 no. blocks, Block A to D range in height from 4 to 5 storeys. Block E consists of Duplex units and is 2-3 storeys in height.

Observer submissions raised concerns in relation to the proposed building height and contravention of the heights set out in the Blackrock Local Area Plan for Cluain Mhuire. The applicant has submitted a Material Contravention Statement in relation to this matter (among others) and the PA has also considered the issue in detail.

In addition to the height parameters set out in the Local Area 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 County Development Plan 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. Concerns have been raised 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.

The Planning Authority is generally satisfied that the design, height and scale of Block A, D and E are in accordance with objectives CS1, CS2 and Map12 of the LAP whereby it ensures that a gradation in height is provided adjacent to the more sensitive interfaces. Although it is acknowledged that Blocks B & C exceed the prescribed heights in Map 12. The Planning Authority is satisfied that the proposal has demonstrated compliance with the development management criteria set out in section 3 of the Building Height Guidelines. The buildings have been designed to a high standard with the additional height being concentrated in the lower south-western corner of the site.

The height does not accord with the objectives set out in the Local area Plan and exceeds the prescribed height limit of 4 storeys for the Cluain Mhuire site (Map 12), the site is also highlighted as a 'height sensitive area'. 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 and 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 viewed 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 illustrate the transition in heights between the proposed development and a selection of 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.

Section 3 of the Building Height Guidelines sets out principles and criteria for Planning Authorities and the Board to apply when considering individual applications. The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant, the analysis provided in the planning authority submission and observers' comments:

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

The development site is located in an established residential area c.1km from the centre of Blackrock village, which is designated as a Secondary Centre under the County settlement hierarchy and offers a range of services, facilities and amenities. The site is located c.1km from Seapoint Dart station, proximate to Stradbroke Road QBC and adjoins recently installed cycle infrastructure. The development of an infill site is therefore considered to support the above principle.

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

The LAP provides for a height limit of 4 storeys at the site. The proposed 5 storey development exceeds these parameters and therefore does not comply with the Blackrock Local Area Plan. The County Development Plan Building Height Strategy identifies key locations where taller buildings are to be accommodated, subject to downward/upward modifiers, and provides for the designation of specific sites to

accommodate taller buildings under LAPs, Framework Plans and SDZs, generally in accordance with SPPR 1 of the Building Height Guidelines. Both the Blackrock Local Area Plan and the Development Plan Building Height Strategy predate the Building Height Guidelines.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

The Blackrock Local Area Plan and the County Development Plan and Building Height Strategy pre-date the Building Height Guidelines. It is considered that they generally consistent with and support the policies and objectives of the NPF.

Furthermore 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 Local Area Plan sets out maximum 4 storeys for the site while the proposed development has a height 2 to 5 storeys. I have addressed the material contravention in section 13.13 and below I provide further assessment against the criteria in section 3.2 here.

At the scale of the relevant city/town:

The site is located in a highly accessible location in Blackrock. 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 from Blackrock village, Seapoint Dart station and proximate to Stradbrook Road QBC and is considered to be in accordance with relevant national policies.

At the scale of district/neighbourhood/street:

This relates to the character of the area in which the development is located. The site is located in the grounds of Cluain Mhuire, a protected structure and adjoins a number of protected structures. The Architectural Heritage Protection Guidelines have informed my assessment of the application. The development been designed to correspond with the topography of the site and the historical context of its setting. The site is not in an Architectural Conservation Area.

Furthermore, the site is located in an area which is the subject of a number of SHD applications. Blackrock is 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 Blackrock/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 and the proximity to protected structures.

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.

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 13.6. Sunlight and daylight consideration are addressed in section 13.6.2 Flood Risk Assessment has been carried out and this is addressed in section 13.10.4. 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 2 to 5 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, a grant of permission for the proposed development despite its height exceeding that prescribed in the Local Area Plan is justified in this instance.

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, the blocks will be visible to residents of the properties bounding the site. However, given the levels of the site, the proposed set back from the boundaries, the orientation of the blocks I am satisfied given the context of the site which is contained within its setting would not result in an overbearing or visually dominate development when viewed from the school to the south, Dunardagh House to the west, No. 11, 13, 15, 17, 19, 21 Newtownpark Avenue to the east

Block E (3 storeys) is set back between c.11m (2 storey element) and c.13.5m (3 storey) from the northern boundary with No.11a Newtownpark Avenue (single storey). With a proposed height of c.9.9m. The extant permission for the site has houses at this location at a similar footprint with a permitted ridge height of c.10m. I do not consider that the height of Block E will result in overbearing or visually dominant development when viewed from No.11a.

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, adjoining school and adjoining Protected Structures. The proposed development would be an appropriate sustainable use of this zoned serviced underutilised site.

Conclusion:

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

13.4. Design & Layout

13.4.1 Design & Materials

The proposed development consists of five blocks, varying in height from 2 to 5 storeys on an L-shaped site. Block A & B and Blocks C & D have been designed as ‘pavilion’ style apartments blocks. Block A & B are linked by a central reception building which provides the entrance to the proposed block and the internal amenity facilities. Block E has been designed as a linear block with a height stepped from 2 to 3 storeys. The arrangement of the blocks reflects the gradation in height across the site and the relationship with Cluian Mhuire.

The applicant has stated that the development has been designed to be respectful of the character of the area and provides a high quality, modern development that is respectful of its surroundings through appropriate heights, reducing massing and scale through the inclusion of a series of smaller buildings carefully sited to avoid overlooking of adjoining development whilst maintaining views to protected structures Cluain Mhuire and St. Catherine’s.

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 Design Statement 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 and 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.

The site is challenging due to its constrained nature, wooded setting and proximity to Protected Structures. The applicant has attempted to address the sensitivities and constraints of the site through the use of a contemporary design solution. There is a clear distinction between the old and the new.

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 Blackrock area.

13.4.2 Layout

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 Blackrock village centre.

Policy CS6 of the Blackrock Local Area Plan states that it is the objective of the Council that "a pedestrian and cycle connection is provided between the sites of Cluian Mhuire and St. Teresa's and Dunardagh. Vehicular through traffic shall not be permitted." Observations have raised concerns regarding the vehicular access shown on the plans and additional traffic that would result from linkages to lands to the west. The Plans submitted show future potential pedestrian, cycle and vehicular links up to the western boundary with Dunardagh to allow for future connectivity. Pedestrian and cycle connectivity is welcomed. 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. I address the vehicular link in section 13.11.1.

The Planning Authority noted that it is satisfied that the layout and design of the proposed development is of high quality and provides adequate separation distances to the architectural heritage and Protected Structures.

Given the context of the site and the provisions of policy UD1 (urban design) of the County Development Plan. It is my view that the proposed development in terms of general layout, provision and location of public and private amenity space, boundary treatment is broadly acceptable.

13.5 Open Space

The Open Space provision is stated to be as follows: Communal Open Space: c.877sq.m, public open space (c.1680sq.m, ie 13% of the net developable area). It is stated that this equates to 2569sq.m (20% of the net developable area) of open space through out the scheme for residential and public use. Public Open Space includes a landscaped lawn area throughout the site and a greenway including pedestrian and cycleway adjacent to Blocks A and B.

Policy CS4 of the Blackrock Local Area Plan state ' it is an objective of the Council that any redevelopment of the Cluain Mhuire site shall provide open space in accordance with the requirements of the current County Development Plan. Where possible existing mature trees shall be retained, subject to arboricultural assessment."

Section 8.2.8.2.(i) of the County Development Plan sets out the requirements for public open space. On the basis of the proposal for 140 units and occupancy of c.228 persons, results in a requirement for c. 4560sq.m. The proposed open space is below the Development Plan requirements, given the proposed design and location of the proposed open space and proximity to Rockfield Park, the Planning Authority is satisfied with the level of open space proposed.

Section 8.2.8.2 (i) also notes that an absolute default minimum of 10% of the overall site area be reserved for use as public/communal open space. The overall combined public and communal open space equates to c.2569sq.m, this is c,17% of the total site area (1.46ha) or c.20% of the developable area (1.27 ha)

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 Board 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.

Observers have raised concerns that the proposed development materially contravenes the Institutional Lands objective set out in the County Development Plan and Blackrock Local Area Plan which requires a minimum 25% open space for institutional lands. The applicant has argued that the 'INST' objective does not affect the application site, but has addressed the matter in the Material Contravention

Statement that accompanies the application in the event that the Board form the view that the Institutional lands objective applies to the site. The 'INST' objective is to protect and/or provide for Institutional Use on open lands', RES5 applies and in it the requirement for open space provision of 25% of the total site area. And that policy CS4 only applies to the Cluain Mhuire Character Area as identified within the Blackrock Local Area Plan.

I note that the Cluain Mhuire was purchased off the Sisters of Charity (owner of Dunardagh House) by the HSE and the applicant is purchasing the site off the HSE. There is a gate linking the site to Dunardagh to the west, but the properties are separated by a wall. There is no functional relationship between Dunardagh and Cluain Mhuire. The Blackrock Local Area Plan has assigned different Character Areas to the properties/lands. They are also identified as two separate 'Protected Structure Sites with Development Potential' (site A and B), and different proposed residential densities are also set out. Having reviewed the Local Area Plan I am of the view that the Institutional Lands Objective does not apply to the site. The Councils treatment of Dunardagh and Cluain Mhuire (and lands) as two separate entities throughout the Plan leads me to surmise that it was not the Council's intention that the 'INST' objective apply to Cluain Mhuire. I further note that the Chief Executive Report has not raised the issue of material contravention. Based on a review of the information submitted, the Local Area Plan I do not consider that the Institutional Lands objective applies to the site. I am satisfied that the proposal complies with section 8.2.8.2 (DLRCDP) and CS4 (BLAP) and the issue of material contravention does not arise.

13.6 Residential Amenity

Concerns regarding impacts on residential amenity have been raised in the third party submissions received and these are noted.

13.6.1 Overlooking

In particular, third parties have raised overlooking as an issue between the proposed apartment blocks and houses to the east of the site (No. 11, 13, 15, 17, 19 & 21 Newtownpark Avenue) which have rear gardens bounding the site, houses on the opposite side of Newtownpark Avenue opposite the southern portion of the site and No. 11a Newtownpark Avenue which forms the northern boundary of the site, in particular due to the height of the buildings, size of windows, the presence of balconies and set back from the site boundaries.

Block D is set back c.6m from the eastern boundary where the adjoining rear gardens have depths exceeding 35m. Having regard to the separation distance between opposing windows, ie in excess of c.40m, and well in excess of the min 22m specified in relevant recommended DM standards, I am satisfied that the level of overlooking of habitable rooms within this urban location is acceptable and not an undue impact such as would warrant a refusal. I am further of the view that the mitigation as recommended by the PA obviates any additional overlooking in to the

rear gardens/private amenity space, and that this mitigation is reasonable and adequately mitigates any overlooking.

Overlooking of properties on the eastern side of Newtownpark Avenue from Block A in particular does not arise given the separation distances between the proposed block and the front façade of these houses.

Block E is located to the south of No.11a Newtownpark. It is set back c. 11m at its eastern point which is 2 storey and c.13.5m from its western point from the boundary which is 3 storeys with balcony. The northern elevation of Block E contains windows and balconies at ground, first and second floor. Block E has a height of c. 7.1m (2 storey section) and c. 9.9m (3 storey section), No.11a has a height of c. 4.4m.

No. 11a Newtownpark Avenue, a single storey house bounding the site to the north. The house is designed in a courtyard formation with the main sitting/dining areas facing onto a courtyard and the boundary with the application site. I notice that the bedroom windows do not face the application site, therefore overlooking of these rooms do not arise.

Overlooking of the private amenity space associated with No. 11a was raised under the previous application for the site, where dormer dwellings were proposed on a similar footprint to Block E and a condition was included to omit windows directly facing No. 11a. I note that the Planning Authority has recommend that the balcony serving E05 be omitted and that Block E be reduced to 2 storeys in height.

I have inspected the site and examined the details submitted. A degree of overlooking is to be expected in urban areas. I am of the view that the set back of Block E from the main habitable rooms of No. 11a, in addition to the existing timber fencing erected along the site boundaries mitigates to an extent the potential impact. I am of the view that the omission of units as suggested by the Planning Authority and the lowering of Block E to a 2 storey structure is not warranted. I consider mitigation measures, such as the use of vertical louvres on the balconies on the northern elevation Block E which are commonly used in urban areas to address potential overlooking is appropriate in this instance, I am satisfied that this arrangement still presents adequate quality of light and outward views from these units. And would address the concerns raised by the occupants of No. 11a in terms of overlooking of private amenity area while at the same time affording appropriate amenity to the future occupiers of units in Block E. This matter can be addressed by condition if the Board consider it appropriate.

Concerns have also been raised by third parties and the Board of Management of the adjoining Guardian Angels National School to the south. Given the setback of Block A and B from the site boundaries, the orientation of the blocks and the provision of a woodland buffer between the Blocks and the school I am satisfied that the proposed development would not unduly overlook the grounds of the school. It would not reduce the level of privacy on those lands below an acceptable standard for non-residential community uses.

I note concerns raised in relation to the proximity of apartments to the school and playground in relation to child safety. I am satisfied that given the setback of Blocks A and B from the site boundaries, the provision of a woodland buffer and the orientation of the proposed blocks and the school, it would not unduly compromise the amenity of the school building or its grounds by virtue of overlooking.

13.6.2 Loss of Daylight/Sunlight/Overshadowing

A common thread raised in observer submissions relates to the impact of the proposed development on the residential amenities of adjoining and nearby properties. The Planning Authority raised no concerns in relating to overshadowing or access to sunlight/daylight from any of the residential properties, the school or Cluain Mhuire which immediately adjoin the application site.

The submitted Daylight, Sunlight and Overshadowing Study examines the development with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011).

The submitted study considered the following items with respect to the proposed new development:

- Shadow Analysis - a visual representation analysing any potential changes that may arise from the proposed development to neighbouring existing developments.
- Sunlight Existing & Proposed Amenity Spaces – via an annual sunlight hour's analysis.
- Average Daylight Factors – via average daylight factor calculations carried for floor plans across the site of the proposed development.
- Daylight Analysis of Existing Buildings - via consideration of Vertical Sky Component (VSC).

The analysis was completed using IES VE software and the assessment based on recommendations given in BRE – Site Layout Planning for Daylight and Sunlight guide.

I am satisfied that there is adequate information in the submitted daylight, Sunlight and Overshadowing Study to assess the impact of the proposed development.

The study reviewed three scenarios:

- a) existing site (undeveloped),
- b) Local Area Plan (max. 4 storey height)
- c) Proposed scheme.

And identified the following potential sensitive receptors:

- a) the proposed development,
- b) St. Catherine's,
- c) Newtownpark Avenue Residence (1)
- d) Cluain Mhuire Family Centre,

- e) Newtownpark Avenue Residence (2),
- f) Guardian Angels National School and
- g) Newtownpark Avenue Residence (3).

Page 21 of the Study has mislabelled the orientation of some receptors. The correct description is: a) the proposed development (site), b) St. Catherine's to the west, c) Newtownpark Avenue Residence (1) located on the eastern side of Newtownpark Avenue which forms part of the eastern boundary of the site, d) Cluain Mhuire Family Centre to north and east of the site, e) Newtownpark Avenue Residence (2) which bound the site to the east, f) Guardian Angels National School to the south of the site and g) Newtownpark Avenue Residence (3) which refers to No. 11a Newtownpark Avenue to the north of the site.

Shadow Diagrams have been prepared/ included in the analysis of three scenarios for the 21st December, 21st March and 21st June.

The assessment conclude that the proposed development will result in minimal additional shading visible from the proposed development to the rear gardens of 'Newtownpark Avenue Residences (1) in the afternoon of March. No additional shading visible from the proposed development on Newtownpark Avenue Residences (2) and Cluain Mhuire Family Centre will have minimal shading in the evening of March and December'. The conclusion does not include specific commentary for Newtownpark Avenue Residences.

I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). Both documents are referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.

I have also carried out a site inspection, considered the submissions received, that have expressed concern in respect of potential impact on their houses and properties as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings relating to the properties to the north and south.

In respect of considering the potential impact on existing dwellings, Cluain Mhuire and Guardian Angels National School, two considerations apply – firstly, excessive loss of daylight/light from the sky into the existing houses through the main windows to living/kitchen/bedrooms; and secondly excessive overshadowing of the private amenity space associated with existing houses (typically the rear garden). I am

satisfied that the correct methodology and test date was used (and note that the new BS makes no changes to test dates).

Section 3.2.2 of the BRE Guidelines states "Obstruction to sunlight (to existing dwellings) may become an issue if –

- (i) some part of a new development is situated within 90° of due south of a main window wall of an existing building.
- (ii) ...the new development subtends an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room.

To this end, in respect of the proposed development, as the Guardian Angels national School is south of the proposed development. The school is a non-residential property with class rooms on its norther elevation facing the proposed development. The proposed development is therefore not considered to cause an obstruction to sunlight, and as such no further tests in respect of overshadowing is required. I am satisfied that in respect of overshadowing, given the orientation of the school (south of the proposed development) there is no potential adverse impact as a result of overshadowing.

For the residential properties bounding the development (ie east and north), the proposed development has the potential to impact on the residential amenity in terms of the level of overshadowing. Therefore, tests have been carried out in respect of the existing properties rear garden in terms of overshadowing.

In respect of the properties to the east (No. 11, 13, 15, 17, 19 and 21 Newtownpark Avenue, Block D is c. 13.4m in height is c.15m from the boundary with No.21 and is set back from 42.2m from the southern corner of the rear elevation of No.21. Block E (2 storey element) which has a height of c.7.1m is built up the boundary at one point with No.15 and is c.38.8m from the rear of No.15. Rear garden depths exceed 35m, Block D is set back at an angle from , 19 and 17 and 15. Block E is set back in excess of 35m from No. 13 and 11. Therefore, the distance between the buildings is greater than three times the height above the lowest window, and as such, overshadowing/loss of sunlight/daylight within this house is unlikely to be significantly affected.

The applicant's report provided no commentary in respect of 'No.11a Newtownpark Avenue to the north of Block E. A degree of overshadowing will occur given the set back of Block E (11 and 13m) from the boundary of this property with a height ranging from 6.7 to 9.9m. No. 11a located to the north of the site with south facing courtyards. I am satisfied that the extent of overshadowing is not a material increase from that already experienced by No.11a due to its proximity to its site boundaries to such an extent to warrant refusal of permission on this ground.

In respect of considering the potential impact on existing dwellings, two considerations apply – firstly, excessive loss of daylight/light form the sky into the

existing houses through the main windows to living/kitchen/bedrooms; and secondly excessive overshadowing of the private amenity space associated with existing houses (typically the rear garden). I note the concerns of the residential of No. 11a that their property was not fully assessed. As outlined above, given the proposed height of Block E, the set back from the boundaries and No. 11a. I am satisfied that overshadowing is minimal and given urban location within acceptable limits, and as such would not warrant a refusal or further mitigation.

The Chief Executive report noted that having regard to the scale and form of the proposed buildings, the setback of Blocks B, C, D & E from the boundaries, the proposal will not unreasonably compromise the amenity properties adjoining the site by reason of overshadowing or by being visually overbearing.

The study includes predicted results and images showing where areas are not receiving at least 2 hours of sunlight on the 21st March. I note no image is included for Newtownpark Avenue residences (3) (ie No. 11a Newtownpark Avenue). The BRE minimum requirement is for 50% of the area shall receive two hours or more of sunlight on this date. The analysis indicates that the amenity spaces near the proposed development will receive at least two hours or more of sunlight on over 50% of their areas, exceeding the BRE recommendations. That there is practically a negligible impact on the sunlight received by neighbouring amenity areas. And that the amenity areas will be quality spaces in terms sunlight.

Having regard to the recommended standards and guidance material laid out in the referenced daylighting standards (BRE 209 and BS 2008), I am satisfied that the applicants have carried out sufficient analysis in respect of those properties where a potential impact may arise by reason of obstruction of sunlight or overshadowing, and that these tests demonstrate that these existing dwellings are unlikely to be significantly affected as a result of the proposed development. I am therefore satisfied that there will be no or negligible impact on the surrounding residential properties by reason of overshadowing

Light from the Sky

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms.

Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)

- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the MASP, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

A number of third parties have raised concerns regarding the impacts on the following receptors in particular:

- Newtownpark Avenue Residence (1) located on the eastern side of Newtownpark Avenue opposite the access to the site and Block A.
- Newtownpark Avenue Residence (2) which bound the site to the east.
- Newtownpark Avenue Residence (3) which refers to No. 11a Newtownpark Avenue to the north of the site.
- Guardian Angels National School to the south of the site.

The applicant carried out the relevant tests and determined the range of VSC applicable.

The following ranges are noted:

- Newtownpark Avenue Residence (1) located on the eastern side of Newtownpark Avenue opposite the entrance to the site and Block A: VSC at points tested range from 20.29 to 38.42.
- Newtownpark Avenue Residence (2) which bound the site to the east. VSC at points tested range from 35.42 to 37.47
- Newtownpark Avenue Residence (3) which refers to No. 11a Newtownpark Avenue to the north of the site. VSC at points tested range from 15.97 to 21.18 The existing situation has VSC ranging from 17.78 to 25.43.
- Guardian Angels National School to the south of the site, VSC at points tested range from 21.33 to 38.06.

The analysis of the sensitive receptors concluded that the VSC for 92% (151 of 165) of the points tested have a proposed VSC of at least 27% or not less than 0.8 times

their former value (that of the existing situation), and therefore exceed the BRE recommendations. The remaining 8% of points taken (14 of 165) located in the Guardian Angels National School have VSC values above 21%. Additionally the study notes that the windows on this building are primarily obscured by large mature trees. In accordance with BRE guidelines these trees were not modelled, but they would very likely minimise the visual and daylighting impact of the proposed building on the neighbouring school. The assessment indicates that good compliance with BRE guidance is achieved.

Daylight/Sunlight within the proposed development:

The Daylight, Sunlight and Overshadow Study (dated 15/10/2020) submitted with the application considers *inter alia* potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment is read as before in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines. I am satisfied that the target ADF for the new residential units and minimum sunlight exposure for the open spaces are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

In respect of new dwellings, the standards and guidelines recommend that for the main living spaces/living rooms a minimum average daylight factor of 1.5% is achieved, for bedrooms 1% and kitchens 2%. Given the nature of the apartments in terms of design and layout, ie accepting that these rooms primarily function as living/dining rather than kitchens, I am satisfied that this is an acceptable approach and level. (I note the reduced ADF target for kitchen/living rooms in the BS EN 17037:2018 'Daylight in buildings, however, as stated above, BS 2008 remains the applicable standard, as provided for in the s.28 Guidelines. The BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. It may be further noted that having regard to the separation between blocks, the quality and extent of balconies provided and the aspect and view from the proposed units. I am satisfied that the applicant has endeavoured to maximise the sunlight and daylight to the buildings.

With regard to amenity (daylight) available to future residents within the proposed scheme. The study concluded that 100% of the rooms studied achieve the minimum Average Daylight Factors (ADF) in the context of the BRE guidance, The analysis considers the bedroom and living spaces for 29 units dispersed across the Blocks on the 1st, 2nd, 3rd and 4th. ADF for all living rooms exceeded the recommended minimum values 1.5% and bedrooms greater than 1.0%. Given that the rooms tested included 'worst case' rooms and that units represent a selection across all the

blocks. I am satisfied overall a higher percentage of units within the development would exceed the BRE targets and that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. This analysis indicated that the proposed of the amenity areas met or exceeded the minimum 2 hours of sunlight recommended. Significant areas of the amenity space would appear to well exceed this figure and the scheme would appear to be designed to maximise sunlight/daylight within these spaces. As with the existing residents, the inclusion of trees within the assessment is not considered appropriate or necessary. Based on the assessment submitted, and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to achieve 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet and in fact exceed sunlight standards.

Loss of Daylight/Sunlight/Overshadowing Conclusion

Having regard to the Assessment submitted regarding the sun path, and shadow analysis, I am satisfied that the proposed development should not give rise to any undue impact on the existing surrounding residential properties and school, and that while some properties may experience some additional overshadowing that this is minimal/slight and not such as would warrant a refusal of the development, in particular given the need for such housing in zoned and serviced urban areas within the Dublin MASP.

In respect of loss of light from the sky, I am satisfied, based on my assessment, given the setbacks proposed (in particular along the northern boundary), the separation distances between the proposed development and existing development, the proposed development would not give rise to a significant or unacceptable impact on the surrounding residential developments. While I note the potential loss of skylight on No. 11a Newtownpark Avenue, I do not consider this loss to be so significant such as to cause an unacceptable impact on the residential amenity or daylighting of these houses, or an increase from that currently experienced and it would not constitute such an impact as would warrant a refusal or require further mitigation of the development, in particular given the need for such housing in zoned and serviced urban areas within the Dublin MASP.

I am satisfied that any loss of sky/day light to the surrounding properties would be minimal/within acceptable levels and not such as to warrant a refusal or require further mitigation.

13.6.3 Construction Impacts on Residential Amenities

Third parties have raised concerns that the amenities of local residents and the adjoining school would be impacted by noise and dust during the construction phase of the proposed development.

The Construction Environmental Management Plan would address how it is proposed to manage noise, dust, vibration and other impacts arising at the construction phase to ensure the construction of the basement car park 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. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

12.6.4 Residential Standards for future occupiers

The development is for 135 Apartments and 5 duplex and as such the Sustainable Housing: Design Standards for New Apartments 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.

In terms of amenities for future occupants the development is of a high standard. It complies with the requirements of the 2020 Apartment Guidelines. The proposal complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core).

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.

Overall I consider 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.

The apartments and duplex are provided with either terrace or balcony spaces, all to an acceptable standard. 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.

Overall, I am satisfied on this basis that the development provides a high standard of amenity and public realm for residents of the scheme that will also contribute to place making in the wider area. I also consider that the development provides an acceptable standard of residential accommodation for future occupants and is generally satisfactory with regard to national and development plan guidance for residential development.

13.6.5 Conclusion

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/sunlight to such an extent to warrant a reason for refusal.

I am satisfied on this basis that the development provides a high standard of amenity and public realm for residents of the scheme that will also contribute to place making in the wider area. I also consider that the development provides an acceptable standard of residential accommodation for future occupants and is generally satisfactory with regard to national and development plan guidance for residential development.

I consider 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.

13.7 Architectural Heritage and Archaeology

13.7.1 Rockfield House

The site is located within the curtilage of Cluain Mhuire (Rockfield House) (East façade only & Gate piers with pineapple finials and Metalwork gates RPS No. 756.

Rockfield House in its entirety is a proposed protected structure in the Draft Dun Laoghaire Rathdown County Development Plan 2022-2028 (RPS No. 2031). The Draft County Development Plan 2022-2028 went on public display on the 12th January 2021 and remains on display until the 16th April 2021 (inclusive). The application before the Board was lodged on the 18th December 2020 prior to the draft going on display.

The Architectural Heritage Impact Assessment was carried on the basis that Cluain Mhuire House (East façade only & Gate piers with pineapple finials and Metalwork gates RPS No. 756. I draw the Boards attention to page 13 of the Assessment which noted:

“...the main interest and design focus of the protected Cluain Mhuire is its eastern façade and its associated entrance gate. The proposed Development, with its restrained massing, does not interfere with or diminish the dominance of the Protected Structure’s eastern façade. The nature of the wider surroundings to the house have not been judged to have been central to its overall original architectural

expression and this reinforces the contention that the controlled and modulated height of the proposed apartment structures will be appropriate to address the density of the development on the subject site.”

While I acknowledge that the Architectural Heritage Impact Assessment was carried out prior to the publication of the Draft County Development Plan. The potential impacts addressed in the assessment before the Board are the same and therefore I am satisfied that the assessment is complete. The DAU did not raise Built heritage in the report submitted.

13.7.2 Impact on Rockfield House

Rockfield House (Cluain Mhuire) is a detached three- or five-bay three-storey over basement house, built 1760, on symmetrical plan centred on single-bay single-storey projecting porch to ground floor on a bowed plan; three-bay full-height rear (south) elevation with single-bay full-height bows on segmental plans. Set in relandscaped grounds. It has been renovated and altered over the years to accommodate non-residential uses.

Rockfield House has been developed and altered over the years. It is currently occupied by the HSE and in use as a Cluain Mhuire Day Care centre. Rockfield House formed part of a larger land bank owned by the Sisters of Charity, this includes St. Catherine's (Dunardagh House) to the west and St. Teresa's to the southwest of St. Catherine's, where a SHD application for 291 units was granted in 2019. The application site is located on lands adjacent to and to the rear of Rockfield House, within the original curtilage. At present there is no separation between Cluain Mhuire and the site and it is apparent that the two are intrinsically linked and therefore the development of the site, the removal of trees will have an irreversible impact on the existing character of Cluain Mhuire (Rockfield House). There is no objective to retain the trees on site nor is it a designated historical landscape. The Architectural Heritage Impact Assessment submitted noted that many of the trees are latter additions. I note that the extent of tree removal mostly is in line with that permitted in 2016 by the Board to facilitate a small residential development on the site. No protected vistas have been identified onsite.

The proposal also includes the demolition of c.10m of boundary wall along Newtownpark Avenue. The Architectural Heritage Impact Assessment has set out that this wall was built in the 1940s and is not an original feature associated with Rockfield House. And has been rebuilt at least once in response to the widening over time of Newtownpark Avenue. The Planning Authority have not raised issue with the demolition of this section of wall and I have no objection to its demolition. The shed to be demolished is not associated with the original Rockfield House, is of no architectural heritage value and I have no objection to its demolition.

The Chief Executive Report noted the main concerns raised by the Conservation Section relate to design, height and non-compliance with the Site Framework Strategy of the Blackrock Local Area Plan and the Building Height Guidelines. Overall, the Planning Authority is satisfied that the proposed high quality design and layout of the development facilitates views through the site, that the proposed development can be integrated into this architecturally sensitive site without being visually overbearing as viewed from adjacent lands, Protected Structures and proposed Protected Structures or the streetscape of Newtownpark Avenue.

The AHIA submitted concluded that overall, the development will not lead to a loss of architectural heritage significance for any of the Protected Structures in the environs of the subject site. The impacts of the proposed development are moderate to slight in that they alter the character of the environment in a manner that is consistent with existing and emerging patterns of development in Blackrock. This within acceptable limits given the precedence established by the existing permission and the emerging pattern of development in the area.

On balance, the proposal is well-executed for the most part. I consider the proposal will not have such an impact on Cluain Mhuire (Rockfield House) to warrant its refusal or further mitigation.

13.7.3 Impact on Dunardagh House and Formal Gardens:

The application site adjoins St. Catherine's, or Dunardagh House (Convent of the Daughters of Charity of St. Vincent de Paul) (RPS No. 756) and Formal Gardens of Dunardagh House (RPS No. 1897). As the proposed development would change the appearance of the application site, its potential impact on the setting of the adjacent protected structures is an issue for consideration.

The Blocks will be visible from the eastern elevation of St. Catherine's and its formal gardens. The visibility of contemporary apartment blocks from the grounds would not necessarily injure the character of the protected structures, given their location in a suburban area. The relative height and flat profile of the roof on the proposed apartments blocks, and the orientation of their facades relative to the boundary between the site, means that they would not be overly obtrusive when seen from the grounds of St. Catherine's (Dunardagh House). The impacts of the proposed development are moderate to neutral in that they alter the character of the environment in a manner that is consistent with existing and emerging patterns of development in Blackrock. This is within acceptable limits given the precedence established by the existing permission and the emerging pattern of development in the area.

13.7.4 Architectural Heritage Conclusion:

I satisfied that a case for modern intervention has been sufficient presented by the applicant, and that the proposed development contributes to and adds to the narrative of the area, in this instance I consider the overall design strategy, is

appropriate and does not result in a development that unduly detracts from the integrity and character of Rockfield House (Cluian Mhuire) and adjoining Dundaragh House and Gardens (St. Catherine's). The proposal introduces a quality design through the appropriate use of materials and finishes. Any development of this site will have an impact. In this instance I consider the impact to be a positive one that will contribute positively to the architectural narrative of the area by providing a development that is contemporary and of its time.

The Design Statement demonstrates that the development has been designed with careful consideration for its relationship with the Protected Structures. While the development will undoubtedly change the settings of adjacent protected structures, these impacts must also be considered in the context of the evolving nature of this urban area. The impacts are considered acceptable given the high quality of the design and finish of the development and with regard to national and regional planning policy objectives to achieve high density residential development in urban areas. I consider that the development will be visible in the wider area and that it will not have any particular adverse impact on the settings of the protected structures. I therefore conclude that the development would not have any significant undue adverse impacts on the settings of adjacent protected structures such as would warrant a refusal of permission or further mitigation.

13.7.5 Archaeology:

A desktop Archaeological Assessment submitted with the application and the information contained therein is noted.

The DAU agree with the archaeological mitigation suggested in the Archaeological Assessment (Section 5) submitted. And recommend that a condition should be attached to any grant of permission pertaining to the archaeological monitoring of topsoil stripping across the development site. This matter could be adequately dealt with by means of condition.

13.8 Ecology/Biodiversity

13.8.1 The applicant has identified a number of ecological sensitivities that affect the site. To this end, the applicant has prepared an Ecological Impact Assessment (EclA), together with an EIA Screening Report and AA Screening Report. The EclA highlights impacts and outlines mitigation measures. It was noted that no mammals of conservation concerns were recorded within the site, although a variety of species may use the site.

The following surveys were carried out:

- Habitat Survey (7th April 2020, 25th May 2020)
- Invasive Species Survey (7th April 2020, 25th May 2020)
- Bay Survey (6th September 2019)
- Bird Survey (7th April 2020, 25th May 2020, Winter Bird survey on November 19th, 23rd, 27th, 31st and December 7th & 11th)
- Mammal Survey (carried out in conjunction with other surveys)

13.8.2 Bats

A Bat Assessment Report was submitted as appendix VI of the EclA. The mature trees within the site of the proposed development were examined for the presence of roosts. No bats were observed emerging from any of the trees during surveys. Several trees were identified as having bat roost potential. Three of the trees found to have features potentially suitable as bat roosts are also to be removed.

A total of three species were recorded within the application site during the Bat survey carried out on the 6th September 2019: Common Pipistrelle, Soprano Pipistrelle and a brief fly-by by a Leisler's Bat. Approximately 14 passes were recorded during the 2.5- hour long survey period. Illumination from the buildings and grounds to the east of the site was notable and possibly decreases the level of bat activity along the eastern boundary of the site.

The proposed Development will result in the loss of some commuting and foraging habitat for locally occurring bats resulting in a "negative, significant local impact". Increased lighting levels there will have a "negative, permanent, moderate local impact" on bats. Avoidance of some disturbance to the bats is not achievable if the site is to be developed. In the absence of avoidance being viable, mitigation and enhancement measures are proposed.

Recommended mitigation and enhancement measures contained in the EclA include:

At Construction Phase:

- Requirement for a roost inspection survey and emergence surveys are carried out at the appropriate time of year, by a qualified ecologist in order to determine the presence and usage of any potential roosts.
- The three trees requiring felling to be examined beforehand (there should be no

more than 24 hours between examination and felling). The Poplar (T64) in particular is considered to have a high bat roost potential and should be retained as part of the landscape plans for the site if possible.

- An ecologist should be consulted prior to any site clearance works to ensure that these trees are examined prior to felling (if required) or cordoned off from works to ensure their retention and protection. . If bats are present, the relevant works will have to cease, and an application made to the National Parks and Wildlife Service for a derogation licence.
- Any felling of mature trees with bat roost potential within the site should be done during the autumn months where possible. The branches should then be left *in-situ* for at least 24 hours in order to allow for the movement of bats and other wildlife from the tree prior to mulching or removal.
- As compensation for any loss of potential roost habitat, 3 x 2F Schwegler bat boxes or more) shall be attached to suitable trees within the immediate area. Boxes must be unlit and away from dense scrub that may block access for bats. Boxes must be at a height of no less than 3 metres.

At Operational Phase:

- Incorporation of bat-friendly lighting measures into the project design and lighting plan.
- Where possible areas of treeline and woodland be retained as part of the project design to compensate for the loss of habitat that will result from the proposed development. As with the compensatory measures for birds; additional complimentary planting should be carried out where possible to create new linear vegetative habitats, increasing habitat connectivity across the site. The incorporation of the above as natural habitat features into the project design would benefit bats and other local wildlife considerably and act to offset the habitat loss that will occur as a result of the proposed development while also adding to the landscape diversity of the site for future students and locals alike.

The mitigation measures set out in the EclA been incorporated into in the Landscape Plan, any outstanding measure can be addressed by condition where appropriate.

13.8.3 Birds

Results from the breeding bird survey carried out at the Site of the Proposed Development on 7th April 2020 and 25th May 2020 are shown in Table 7 below. A total of 27 species were identified within the Site of the Proposed Development with 6 species identified as '*confirmed breeding*' and a further 17 species identified as '*probable breeders*', based on activity observed during the two surveys. In addition, the following species were recorded on or flying over the site that were not

considered to be breeding or associating with the site: Swallow, Swift and House Martin. These species are aerial feeders and can travel some distance from their breeding sites to feed. Rook was recorded on the site in May 2020 but there is no evidence to suggest breeding. (Rooks breed in large colonies known as Rookeries).

Surveys of potential usage of the Site lands by wintering waterfowl and shore bird species, such as those listed as SCI species for nearby Natura 2000 SPA Sites, were carried out over 6 days in November and December 2020. Over the course of the 36 hours of surveys, covering both dawn and dusk, no evidence of usage by any of the species in question was recorded; with the only shore bird species recorded in proximity to the site being the occasional Gull, *Larus sp.* flying overhead. All bird activity recorded at the Site comprised the common hedgerow species.

The EclA is noted the usage of the site by SCI species is deemed highly unlikely, due to the inherent unsuitability of the habitats present at the Site for these species and their specific needs. The lands consist of a mosaic of high-sward rank grassland, dense bramble scrub and woodland; none of which provide suitable *ex-situ* nesting, roosting, foraging habitat for the waterfowl and shorebirds in question.

The proposed development will result in the loss of nesting and foraging habitat for a range of bird species. The results of bird surveys identified a total of 23 species that could potentially be breeding at the site.

The DAU noted that the number of trees to be removed from the development site will result in some detrimental impacts on local biodiversity. The number of bird species nesting on the site may be expected to decrease; for instance the two ground nesting warbler species, which relatively rarely occur in suburbia, will almost certainly disappear. These effects are recognised in the supporting EclA, which states that with regards to birds there will be a “negative, permanent significant local impact” as a result of habitat loss.

Recommended mitigation and enhancement measures contained in the EclA include:

- Protection of breeding birds. Any clearance of vegetation should be done outside the main breeding season, which runs from 1st March to 31st August, in compliance with the Wildlife Act 2000. Should any vegetation removal be required during this period, this vegetation should be checked for birds and if any nests are noted during this evaluation prior to removal, a derogation shall be required from NPWS. This may also require further compensatory measures including nesting sites for birds if practicable.
- Retention and re-instating of foraging habitat. Where possible areas of treeline and woodland be retained as part of the proposed development to compensate for the loss of habitat that will result from the proposed development. Additional complimentary planting should be carried out where

possible to create new habitats for local bird species and increase habitat connectivity across the Site of the Proposed Development.

As compensation for the loss of nesting habitat to local birds, 4 bird boxes of suitable character (suitable for small bird species) will be installed in appropriate locations across the Site. Boxes should be attached to walls, fences, or trees 3-5m above the ground, facing between north and south-east to avoid extreme weather conditions.

The DAU recommended that the Board explore the feasibility of retaining more of the existing trees on the site by adjusting the scheme's proposed layout, or alternatively require the applicant to increase the number of trees to be incorporated in the development's landscaping in order to protect local biodiversity. Conditions were also recommended to be attached of permission is granted.

I have examined the measures contained in the EclA, the landscape plan and report submitted within the application and the arboricultural assessment. I note the report of the Dun Laoghaire Parks and Landscape Services and the report of the Development Applications Unit (DAU) . I am satisfied that this matter can be conditioned, as the mitigation measures proposed are considered to be clearly outlined and deemed to be effective.

13.8.3 Mammals (excluding Bats):

No mammals of conservation concern were recorded within the Site of the Proposed Development although a variety of species may utilise the Site.

Following field surveys the EclA concluded that no active badger setts or signs of badger presence (e.g. snuffle holes, latrines, tracks etc.) were recorded during field surveys. A burrow was recorded during the site survey within the wooded area in the south-east of the site. Although seemingly overgrown and in disuse, it may be an old badger sett and it is possible that badger utilise the site occasionally. The site of a derelict possible badger sett disappear on clearance on this area.

The EclA has recommend that a pre construction survey should be undertaken to ensure there are no changes to the extent of Badger territory identified in the survey carried out as part of this application. In the event a Badger sett is found the following provisions set out the NRA Guidance document, accessed January 2020. These range from no heavy machinery to be used within 30m of a sett (unless carried out under licence), during breeding season this area extends to 50m, sett screening , restricting hours of work, clear marking of any setts and that construction activities within the vicinity of any affected setts commence once these setts have been evacuated and destroyed under licence. Where affected sites do not require destruction works may commence once recommended mitigation measures to address badge issues have been complied with.

I note that in the event an active badger sett is found on site, works close to any sett can only be conducted under the supervision of the NPWS and under licence. I recommend that a Badger survey be required by condition and the DAU recommend condition be attached to any grant of permission.

There is also potential habitat for hedgehog, stoat and pygmy shrew within the area of mixed broadleaved woodland, scrub and hedgerows present within the site.

There were no watercourses or waterbodies recorded during site surveys and as such, it is not expected that otter would utilise the Site due to the lack of any suitable habitat for this species within the general surrounds of the Site of the Proposed Development, and the residential/ built-up nature of the lands surrounding the Site itself.

Fox was not recorded directly during site surveys although this species is widespread in the locality and may be present. While no rabbits were observed during surveys, it is considered possible that they may be present in the area, as could brown rat and house mouse. However, none of these species listed of current conservation concern and are therefore not considered further in this assessment.

13.8.4 Japanese Knotweed (JKW):

Japanese Knotweed, is a highly invasive species, listed under regulation SI 477 of 2011, and the presence of it has been confirmed on site. Appendix V of the EclA contains the previous JKW Reports (Surveys of 2017 and 2019) and Appendix IV an Invasive Species Management Plan. The presence of Japanese Knotweed (*Fallopia japonica*) is confirmed at two locations on site; These are located in the south eastern portion of the site and in the central portion of the site. The infestations were originally identified in 2017 and subsequently treated in-situ with herbicide and fenced off with signage. A further assessment was carried out in 2019, this concluded that the extent of the infestation had not changed significantly since the 2017 survey, and that on consideration of a range of potential management/treatment strategies for JKW at the site, the only suitable and practical remediation strategy in the context of the proposed development, was the excavation and removal off-site of all JKW plant matter and infected soils.

The current survey concluded that treatment with herbicides is not considered viable in this instance due to time period required (3 to 4 years, with a further 2 years for monitoring to validate its eradication) as development works are intended to proceed as soon as practicable. Therefore the excavation and removal of all JKW material (vegetation, roots and soil containing root material) from all areas involving construction is proposed.

I note the report of the Dun Laoghaire Parks and Landscape Services and the report of the Development Applications Unit (DAU) and suitable condition is recommended to ensure that this matter is adequately addressed. I am satisfied that this matter

can be conditioned, as the mitigation measures proposed are considered to be clearly outlined and deemed to be effective.

13.8.5 Conclusion

The EclA concluded that based on the successful implementation of the measures and proposed works to be carried out in accordance with the accompanying CEMP and landscape plan, is likely that there will be no significant ecological impact arising from construction and the day to day operation of the Proposed Development.

However, the incorporation of significant native tree and hedgerow planting, and unmanaged semi-natural meadow areas specifically for native biodiversity; within the landscaping proposals, along with additional measures where possible to enhance biodiversity, are recommended, and would be of considerable benefit to the long-term biodiversity value of the site and its surrounding area.

I have examined the measures contained in the EclA, the Landscape Plan, the CEMP and the arboricultural assessment. I note the report of the Dun Laoghaire Parks and Landscape Services and the report of the Development Applications Unit (DAU) .

I consider, on balance, based on the successful implementation of the mitigation measures and proposed works to be carried out in accordance with that document and the CEMP, 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.

13.9 Trees:

Observers have raised concerns regarding the level of tree removal. The Planning Authority notes the concerns raised by the Parks and Landscape Services while also acknowledging the extant permission on site with similar tree removal permitted and concluded that the applicant will be required to adhere to requirement relating to protection and preservation of biodiversity.

There is no objective to protect trees and preserve woodlands. There are no TPO attached to the site. I do note, however policy CS4 states that "...where possible existing mature trees shall be retained, subject to arboricultural assessment." The development proposed requires the loss of almost all the trees from the south east section of the site, and overall the removal of 139 of the 181 individually identified trees on the site as well as six groups of trees and part of another group.

The fundamental issue raised in the submissions relate to site clearance and the removal of trees and the impact this would have on the character of the area and the loss of outlook for adjoining residential properties, protected structures and the loss of natural habitats. The issue remains that in order to facilitate the development of the site, substantial site clearance and tree removal is required.

The applicant has argued that in order to avoid delay in carrying out the proposed development, the Invasive Species Management Plan submitted in support of this application concludes that the only feasible method of dealing with the two major Japanese knotweed infestations on the site, one of which coincides with the south eastern woodland area and the other of which is situated near the western treeline, is the wholesale removal of contaminated soil from the areas where the knotweed occurs together with the stands themselves.

The DAU noted that the number of trees to be removed from the development site would result in some detrimental impacts on local biodiversity and recommended, that the Board, when carrying out its overall evaluation of the present application, should consider whether it is feasible to retain more of the existing trees on the site by adjusting the scheme's proposed layout, or alternatively require the applicant to increase the number of trees to be incorporated in the development's landscaping. The EclA concluded the loss of Mixed Broadleaved Woodland that occupies the south eastern portion of the site, although it will represent a loss of some potential roosting/foraging/nesting habitat for a variety of mammal, insect and bird species, is not considered to be of high conservation concern due to their poor quality. It is also noted that the above areas of woodland and treeline are within close proximity to the two main areas of Japanese Knotweed (JKW) infestation at the Site of the Proposed Development.

The proposal includes a woodland walk to the east and south of Block A and B. 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, which can be further augmented on foot of the DAU comments. 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. Additional mitigation measures set out in the EclA. I have also had regard to the recommendation sets out in the DAU submission and note the recommended conditions.

I conclude that there is no doubt that any site clearance will have an irreversible impact on the character of the site. I note that in this instance for the most part the development is designed to have cognisance of the sensitive and restricted nature of the site and its relationship with Cluian Mhuire (Rockfield House) and St. Catherine's

(Dunardagh). The fact remains however, that the only way to develop the site requires the removal of trees. Furthermore the level of tree removal correlates with that permitted under (Planning Ref D15A/0036 ABP Ref P06D.245945). While the visual impact on the protected structures and ecology on site as a result of the loss of the trees is irreversible, I am satisfied that it is not a significant adverse impact and that subject to mitigation the immediate loss of these trees will be obviated through new planting as proposed in the landscaping plan submitted with the application.

The clearing of trees from the site to accommodate a residential development was considered and assessed by both the Planning Authority and the Board in 2016 and considered acceptable. In my opinion the site lends itself to redevelopment, the sustainable use of a zoned serviced site.

13.10 Site Services, Drainage & Flood Risk

13.10.1 Foul:

There are no existing foul sewers within the site or in the vicinity of the site. There is a 375mm combined sewer located on Newtownpark Avenue at the south east corner of the site. Foul flows from the Development will discharge to the existing 375mm diameter public combined sewer as per the CoF from Irish Water. Foul flows from the development will be collected in a 225mm diameter foul sewer within the access road serving the development. Foul flows from Blocks C & D will discharge to the foul drainage system via a slug drainage arrangement to the underside of the basement roof slab, Foul flows from the lower ground floor of Block C (3 units) will be pumped to the foul drainage system for Block C.

Surface water from the basement car park generated by incidental spillage through the vents will be collected by a system of pipes, gullies and ACO drains which will drain through a petrol interceptor and will be pumped to the gravity foul drainage system for the site at ground floor level.

13.10.2 Water:

There is an existing 90mm diameter watermain and a 100mm diameter watermain on Newtownpark Avenue.

The watermain distribution system for the proposed Development will connect to the existing 90mm diameter watermain on Newtownpark Avenue which may be upgraded, the Infrastructure Design Report sets out that details of any upgrade be agreed at connection application stage.

13.10.3 Surface water:

There is an existing 225mm diameter sewer located on Newtownpark Avenue which connects to the 375mm diameter combined sewer c.50m south of the existing site entrance. There is also an existing 600mm diameter surface water sewer in Newtownpark Avenue c.100m south of the existing site entrance. The Infrastructure Design Report submitted with the application noted that this is considered to be the most appropriate point to outfall attenuated water from the development. Attenuated surface water will connect to the 600mm diameter surface water sewer.

A new surface water drainage system incorporating SuDS features will collect surface water run-off generated from the proposed development. Attenuated surface water will then discharge to the existing 600mm diameter surface water network on Newtownpark Avenue, with surface water stored on site for up to a 1% AEP (Annual Exceedance Probability) event.

It is proposed to attenuate surface water runoff from the development to Greenroof or Qbar as per the recommendations of the GSDSDS and the County Development Plan, Qbar is estimated as 3.5l/s for an effective site area of 1.10ha.

Surface water storage (c.422.6m³) will be provided in underground Stormbloc units to the east and south of Blocks A&B. Stormbloc with a volume of c.439m³ is proposed (allowing for 96% porosity).

SuDS measures include: extensive green roof (sedum blanket to all blocks, intensive green roof for podium deck, permeable paving to all surface parking which are not offered for TIC, porous surfacing for shared homezone to the north and the aisle of parking to the southwest, proposal also include bioretention areas and petrol interceptor.

I note the comments of DLRCC Drainage Planning Section, dated 2nd February 2021, which raise several issues in relation to the proposed surface water drainage design. I also note that they are satisfied that this matter can be addressed by condition.

Irish Water have stated that wastewater connection should be made to the 375mm combined sewer on Newtownpark Avenue. Surface water connection is not permitted into this sewer. Full details of storm water management for the development are to be agreed with Dun Laoghaire Rathdown Drainage Division. Irish Water have issued a Statement of Design Acceptance for the development.

13.10.4 Flood Risk

Observers have raised the issue of drainage conditions on site, that it tends to be 'swampy' and that houses along Newtonpark Avenue have flooded. I have no comment from the Planning Authority on this matter.

A Site Specific Flood Risk Assessment (SSFRA) was submitted with the application. The information contained within these documents appears reasonable and robust. The SSFRA noted the site is located in Flood Zone C. There is no record of pluvial, tidal or fluvial flooding on the application site. There is no record of flooding on the site, but a flood event have been recorded along Newtownpark Avenue(OPW Flood maps). 2 no. properties were affected and 100m of urban road (Newtownpark Avenue)It was noted that the source and cause was due to the accumulation of water in a surface depression. Heavy overland flows on Newtownpark Avenue

accumulated at a low point. The natural drainage of this area is to the culverted Stradbroom Stream on Stradbroom Road.

Possible risk from pluvial flooding is noted and mitigation measures set out. The proposed development will incorporate surface water attenuation for a 1%AEP (100 year event). Green roof systems and podium areas will reduce overall runoff from the site. The SSFRA concluded that surface water runoff will be limited to a green roof rate and does not increase the risk of flooding elsewhere and does not result in displaced waters.

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

13.10.5 Water Services Conclusion:

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.

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.

13.11 Traffic & Transportation

13.11.1 Access

It is proposed to upgrade the existing vehicular access off Newtownpark Avenue, this will include the demolition of c.10m of existing boundary wall to facilitate the widening of the entrance. Access arrangements off Newtownpark Avenue are acceptable.

The access will extend through the site linking to the basement car park as well as providing potential future links to lands to the west and Cluian Mhuire. I note that a vehicular access to the lands to the west is not in accordance with the requirements of the current Local Area Plan. The link is indicative and refers to potential future links. Its use would be the subject of a future assessment if lands to the west are developed.

A new 4m wide Toucan pedestrian crossing is proposed on Newtownpark Avenue, located on the southern side of the vehicular access. A 3m wide shared pedestrian/cycle route to the proposed along the southern boundary of the site, linking Newtownpark Avenue to lands to the west (Dunardagh).

I note the concerns raised by Observers regarding access to light pollution and noise associated with traffic movements into and out of the site. The site is a serviced site

zoned for residential purposes, and I am satisfied within this urban context, and given the extant permission on the site, that any potential impact as a result of light or noise would be minimal.

13.11.2 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 concern regarding a potential traffic hazard on Newtownpark Avenue due to the interaction of traffic generated by the development with existing pedestrian, vehicular cycle and school traffic at this location, also concerns stated about the loss of on street parking to facilitate the proposed vehicular access.

The Planning Authority submitted that the proposed development is, in general terms, cognisant of the relevant objective of the current County Development Plan and the Blackrock Local Area Plan. The submitted Transport Assessment adequately assesses the existing road infrastructure, future permeability links including pedestrian and cycle facilities, future developments, proximity of public transport, including bus and nearby amenities.

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 unduly 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 serviced 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

13.11.3 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 97 no. car parking spaces for the proposed 140 Apartments and Duplex (68 at basement level and 29 surface level). Based on Development Plan standards there is a short fall of 43 no. spaces and while it is recognised that the subject site is served by a good public transport links, a reduction in car parking is not supported by the Planning Authority. 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' (2020) 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 Blackrock and its good public transport connections the quantum and design of car parking is appropriate for the scale and density of development. The proposed car parking provision is considered acceptable with regard to this policy guidance, also given the proximity of pedestrian and cycle infrastructure. However, it is available to the Board to consider an increase in this instance, I do not consider it appropriate given the location of the site and the implications for the proposed basement configuration and proposed bicycle spaces and storage.

The development provides 226 no. cycle parking spaces at basement level (186 long stay and 40 short stay). A total of 168 no. cycle parking spaces are required to comply with DLRCC cycle policy. The proposed cycle parking provision therefore exceeds these standards.

On balance I consider that the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance vehicular and pedestrian permeability with the wider area.

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.

13.11.4 Traffic and Transportation Conclusion:

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.

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.

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition.

13.12 Other Matters

13.12.1 Childcare

The development does not include any childcare provision. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities 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. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms.

Based on the demand for places (excluding studio and 1 bed units), the proposal would require 11 no. childcare places, based on 80 units. Reference is made to the percentage of children availing of childcare as outlined in the QNHS 2016 is 25%, creating a potential requirement of 3 places. The applicant's Creche Needs Assessment provides details of existing childcare facilities available in the area such that there is capacity to cater for childcare demand generated by the development.

The Planning Authority accepts the applicant's rationale (based on unit mix and capacity in existing creches) and consider the non-provision of childcare facilities in this instance acceptable.

Having regard to the guidance contained in the Apartment Guidelines and in view of the unit mix proposed in the development and the existing available facilities in the area, I am satisfied that the omission of childcare from the development is acceptable. Material contravention of the Local Area Plan does not arise.

13.12.2 Part V

The applicant proposes to transfer 14 no. units (10 no. 1 bedroom and 4 no. 2 bedroom apartments) at the site to Dun Laoghaire Rathdown County Council in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended).

A report from DLRCC Housing Department, dated 18th January 2021 notes that a detailed submission will be required to fully assess the applicant's proposal. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

13.12.3 Public Participation

Observers raised issue with public participation and access to information during restrictions associated with the Covid 19 pandemic. The application was available on the website assigned to this application during this period (www.newtownparkavenueSHD.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. Furthermore, the Board allow for on-line submissions to be made in respect of SHD to facilitate those not wishing to travel. 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.

13.13 Material Contravention

13.13.1 The Dun Laoghaire Rathdown Chief Executive Report did not raise material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 or the Blackrock Local Area Plan 2015-2021 (extended to 2025).

The proposed development materially contravenes the Blackrock Local Area Plan 2015-2021 (extended to 2025) in terms of height (Objective CS1 and Map 12), Density (Objective CS3 and Map 6) and Unit Mix section 8.2.3.3 (ii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

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 has 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.

13.13.2 Height

The Blackrock Local Area Plan 2015-2021 (extended to 2025) contains specific objectives relating to the site. In relation to building height Objective CS1 applies:

“It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a range of building heights in accordance with the limits set out on Map 12 and the Specific Character Area Objectives detailed in Section 2.1.3”

Map 12 indicates a maximum building height of 4 storeys for the site within a ‘height sensitive area’ and also indicated by way of dashed line in the centre of the site.

The building heights range from 2 to 5 storeys, the site is located within the Cluain Mhuire Character Area (section 2.1.3 (ii) and the Site Framework Strategy for Cluain

Mhuire (section 3.5.2) . It exceeds the recommended heights set out in Map 12 . 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 2 to 5 storeys. There is an extant permission on the site (ABP PL.06D.245945) for a development of 3 storeys in height.

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 of this report.

13.13.3 Density

The Blackrock Local Area Plan 2015-2021 (extended to 2025) contains specific objectives relating to the site. In relation to density Objective CS3 applies:

CS3

"It is an objective of the Council that any redevelopment of the Cluain Mhuire site shall incorporate a high quality residential development with a minimum density range of 35 - 45 units per hectare. Density calculations shall exclude Cluain Mhuire Character Area 1 identified on Map 6 and in Chapter 2, Section 2.1.3 and illustrated on Drawing 2 Site Framework Strategy from the total site area."

Map 6 indicates a maximum density of 35-45 units per hectare for the subject site.

The proposed density is 110 units per hectare. This is not a de minimus exceedance and therefore I consider it material.

The proposed density is appropriate for this urban location and in compliance with relevant section 28 Ministerial Guidelines. The site is at a location suitable for higher densities in accordance with the 'Guidelines on Sustainable Residential Development in Urban Areas, the National Planning Framework – Ireland 2040 and the RSES for the Eastern & Midlands Region, The 2020 Apartment Guidelines and the 2018 Building Height Guidelines.

The RSES identifies Blackrock 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.

13.13.4 Unit Mix

The Blackrock Local Area Plan 2015-2021 (extended to 2025) contains specific objectives relating to the site. In relation to unit mix Objective CS3 applies:

CS3

It is an objective of the Council that any proposals for new residential development on the Cluain Mhuire site shall incorporate a residential mix that complements and enhances the existing residential mix within the wider Plan area and in accordance with Section 5.2 of this Plan and Section 16.3: 'Residential Development' of the current County Development Plan.

The LAP predated the current County Development Plan. Chapter 8 of the 2016 County Development Plan refers to Principles of Development and in particular Section 8.2 which sets out the Development Management standards.

Section 8.2.3.3 (iii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 which relates to housing mix, provides:

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 80 sq.m.

The 2018 Apartment Guidelines, in particular SSPR1 sets out 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 mix complies with the requirements of SPPR1.

The proposed housing mix is acceptable and is in accordance with SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities. The provision of apartments and duplex at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development.

I note the policies and objectives of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020) and the Specific Planning Policy Requirement (SPPRs) contained therein. In particular, I note that SPPR 1 of these Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirements for apartments with three or more bedrooms. Statutory plans may specify a mix for apartment and other housing developments, but only further to an evidenced based HNDA, that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant Development Plan(s).

The operative County Development Plan and Local Area Plan conflicts with these guidelines in particular section 2.16 - 2.22 and Specific Planning Policy Requirement 1 and 3.

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.

13.13.5 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’, issued in 2020 (in particular section 2.16 - 2.22 and Specific Planning Policy Requirement 1 and 3) 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 materially contravene the Development Plan and Local Area, 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.

13.14 Chief Executive Report

The Planning Authority concluded that the subject site is located within the Blackrock Local Area Plan and benefits from excellent access to a range of services and high quality public transport infrastructure in the form of bus, DART and Irish Rail services. An application for a residential scheme on this site is welcomed. Subject to the inclusion of appropriate conditions, it is considered that the proposed development is generally consistent with the relevant objectives of the Blackrock Local Area Plan, the Dun Laoghaire Rathdown County Development Plan 2016-2022, national and regional Policy and section 28 Guidelines.

However, the omission of residential units E-01, E-02, E-03 and E-04 located in Block E is recommended. Subject to compliance with the suggested modifications, it is considered that the proposed development has been well designed and has had regard to the sensitive residential interfaces and is sympathetic to the architectural significant of the surrounding area. The screening of certain balconies on Block D is also recommended.

I have addressed concerns raised by the Planning Authority in my assessment. The Planning Authority recommended permission be granted for 136 units subject to 42 no. conditions. These include in addition to standard conditions, conditions setting out amendments to the scheme, a number of specific technical conditions (Drainage, Transportation and Parks & Landscaping Services) ecology, archaeology, etc

Conditions of note include:

No. 2 The proposed development shall be amended as follows:

- a. Block E, reduced in height by one floor, by the omission of the unit numbers E-01, E-02, E-03 and E-04.
- b. The omission of the first floor rear (north) balcony in Block E serving unit number E-05.
- c. The balconies on the eastern elevation of Apartment Block D serving units numbers D-11, D-21 and D-31 shall be fitted with a 1.8m obscure glass screen.

Revised drawing showing compliance with these requirements shall be submitted to, and agreed with, the planning authority prior to the commencement of development.

I do not consider a and b necessary for reasons set out in my assessment, and the assessments throughout the report relate to the 140 units and the retention of the floor on Block E.

I have no objection to c.

No. 5 & 6 relate to Drainage Section requirements. I consider these reasonable subject to modifications.

No. 7 relates to Transportation Planning requirements. This condition also includes:

Prior to commencement, the Applicant shall submit revised drawings to the Planning Authority (Transportation Planning) which demonstrates the provision of a total of 136 no. parking spaces to serve the development. This is not required.

No. 8, 9 & 10, 11 & 12 also relate to Transportation Planning requirements. I consider these reasonable subject to modifications.

No. 13, 14, 15, 16, 17, 18, 19, 20, 21 & 22 relate to requirements of the Parks and Landscaping Services. I consider these reasonable subject to modifications.

No. 23. Refers to mitigation measures outlined in the submitted Ecological Impact Assessment Report. I consider this reasonable.

No. 24 refers to bats and the continued preservation of bat roosts. I consider this reasonable.

No. 25 refers to birds and measures to mitigate loss of bird habitat. I consider this reasonable.

No. 26 refers to badgers and mitigation measures outlined in the Ecological Impact Assessment Report. I consider this reasonable.

No. 27 refers to Invasive Species I consider this reasonable.

No. 39 refers to Archaeological monitoring. I consider this reasonable.

No. 40, 41 refers to Development contributions. I consider this reasonable.

No. 42 refers to cash deposit/bond/security I consider this reasonable.

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 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 or protected structures 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 13.17) 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 Recommended Draft Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dun Laoghaire Rathdown County Council

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 18th December 2020 by John Spain Associates, on behalf of Glenveagh Homes Ltd

Proposed Development:

Permission for a strategic housing development at this site of approximately 1.46ha on lands within the curtilage of 'Cluain Mhuire' (a protected structure [eastern façade and entrance gates only] RPS ref.no.776) Newtownpark Avenue, Blackrock, Co. Dublin.

The development will consist of the demolition of the existing c. 26sqm single storey shed on site and construction of a residential development comprising;

- 140 no. apartment and duplex units across 5 no. 2-5 storey buildings (Blocks C&D over basement) comprising 1 studio apartment, 59 no. 1 bedroom apartments, 71 no. 2 bedroom apartments and 9 no. 3 bedroom apartments (along with a 'linked' single storey amenity building) as follows:

- Block A (4 storeys) comprises 32 no. apartments [balconies on all elevations] consisting of 17 no. 1 bedroom, and 15 no. 2 bedroom apartments;

- Block B (5 storeys) comprises 40 no. apartments [balconies on all elevations] consisting of 21 no. 1 bedroom and 19 no. 2 bedroom apartments;

- Block C (4 - 5 storeys over basement) comprises 31 no. apartments [balconies on all elevations] consisting of 1 no. studio apartment, 8 no. 1 bedroom, 17 no. 2 bedroom and 5 no. 3 bedroom apartments;

- Block D (4 storeys over basement) comprises 28 no. apartments [balconies on all elevations] consisting of 9 no. 1 bedroom, 15 no. 2 bedroom and 4 no. 3 bedroom apartments;

- Block E (2 - 3 storeys) comprises 9 no. duplex units [balconies on north and south elevations] consisting of 4 no. 1 bedroom units and 5 no. 2 bedroom units;

- Communal Amenity Space (889sqm) and public open space (1,680sqm) totalling 2,569sqm is provided throughout the site including internal amenity space/concierge area totalling 175sqm within a single story 'linked' building between Blocks A and B;

- Vehicular access to the development will be from the upgraded existing access from Newtownpark Avenue and will extend throughout the site linking to the basement car parking level (as well as provision of a future potential links to lands to the west and to Cluain Mhuire);

- Provision of 97 no. car parking spaces (29 no. surface car parking and 68 no. basement car parking); 226 no. cycle parking spaces (56 no. surface cycle parking space and 170 no. basement car parking) and 6 no. motorcycle spaces;

- Provision of a single storey ESB substation, hard and soft landscaped areas, public lighting, attenuation, service connections, bin stores, and a new pedestrian crossing on Newtownpark Avenue and all ancillary site development works.

The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant development plan (Dun Laogahire Rathdown County Development Plan 2016-2022 & Blackrock Local Area Plan 2015-2021).

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.

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) The policies and objectives in the Blackrock Local Area Plan 2015 to 2021 (extended to 2025);
- d) Nature, scale and design of the proposed development;
- e) the planning history relating to the site;
- f) Pattern of existing and permitted development in the area;
- g) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- h) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- i) 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).
- j) 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;
- k) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Local Government and Heritage 2020.

l) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;

m) Submissions and observations received.

n) The Dun Laoghaire Rathdown Chief Executive Report received by An Bord Pleanála on 22nd February 2021.

o) 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; The location of the site on a site identified for development potential in the Blackrock Local Area Plan 2015-2021 (extended to 2025)
- (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) and Construction Environmental Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, 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 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', issued in 2020 (in particular section 2.16 - 2.22 and Specific Planning Policy Requirement 1 and 3) and the 'Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual' issued in 2009 (in particular section 5.8).

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:
 - a) Balconies on the eastern elevation of Block D serving Units D-11, D-21 and D-31 shall be fitted with 1.8m screening in the form of obscure glass screens or vertical louvres.
 - b) Vertical louvres, or similar screening to be agreed with the Planning Authority, shall be provided to the balconies on the northern elevation of Block ERevised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of residential amenity.

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 a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

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 the communal 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 apartment unit.

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.

Reason: In the interests of visual and residential amenity.

8. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. A total of 97 no. car parking spaces shall be provided on site.
 - (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) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.

(c) 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 indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

10. A minimum of 10% of all 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. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

11. A total of 226 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, including the commercial units. 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. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

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

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

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

Reason: In the interest of public health.

15. (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.

16. (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.

17. 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.

18. The construction of the development shall be managed in accordance with a Construction Environmental 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) 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.

19. Site development and building works shall be carried out only between the hours of 0700 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.

20. 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.

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

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

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

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

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

22. 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.

23. 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 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.

24. 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

25. The developer shall carry out assessment and surveys in accordance with the requirements of the Department of Tourism, Culture, Art, Gaeltacht, Sport and Media – Development Applications Unit (DAU), the Planning Authority and in accordance with the European Communities (Birds and Natural Habitats) Regulations.

Reason: In the interest of ecological protection.

26. The treatment of Japanese Knotweed, an identified invasive alien species, shall be fully in accordance with the requirements of the Department of Tourism, Culture, Art, Gaeltacht, Sport and Media – Development Applications Unit (DAU), the Planning Authority and in accordance with the European Communities (Birds and Natural Habitats) Regulations.

Reason: In the interest of ecological protection.

27. 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.

28. 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

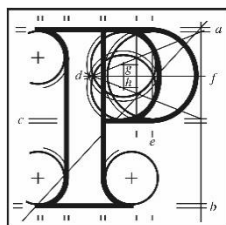
29th March 2021

Appendix 1 List of documentation submitted with the Application

Documentation included inter alia:

- Application form.
- Letter of consent from Dun Laoghaire Rathdown County Council.
- Copies of letters to Prescribed Bodies.
- Copies of Public Notices (Site & Newspaper Notice).
- Part V proposals, costings and correspondence from Dun Laoghaire Rathdown County Council.
- Irish Water Confirmation of Feasibility and Confirmation of Design Acceptance correspondence.
- Statement of Consistency & Planning Report.
- Statement of Material Contravention.
- EIA Screening Report.
- Creche Needs Assessment.
- Response to An Bord Pleanála's Opinion.
- Architectural Drawings & Accommodation Schedules.
- Architectural Design Statement.
- Housing Quality Assessment.
- Building Lifecycle Report.
- Verified Photomontages & CGIs.
- Landscape & Visual Impact Assessment.
- Arboricultural Report and Drawings.
- Landscape Design Statement & Drawings.
- Infrastructure Design Report.
- Engineering Drawings & Schedule.
- Traffic & Transport Assessment.
- Mobility Management Plan.
- Site Specific Flood Risk Assessment.
- Preliminary Design Stage Quality Audit.
- Substructure Report.
- Construction Environmental Management Plan.
- Construction and Demolition Waste and By-product Management Plan.
- Operational Phase Waste Management Plan.
- Sunlight, Daylight and Overshadowing Study.
- Energy Statement.
- Outdoor Lighting Report and Public Lighting layout Plan.
- Desktop Archaeology Assessment.
- Architectural Heritage Impact Assessment.
- Appropriate Assessment Screening Report (includes inter alia Hydrological & Hydrogeological Qualitative Risk Assessment).
- Ecological Impact Assessment (includes inter alia Bat Survey and Invasive Species management Plan).

Appendix 2: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP 308946-20
Development Summary		Demolition of shed & construction of 140 residential units (apartments and duplex) in 5 no. blocks and all associated site works in the curtilage of a protected structure.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report AA Screening Report and Ecological Impact Assessment Report were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022.
---	-----	--

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 and duplex) 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>The development includes the removal of invasive Species. A Invasive Species Management Plan is submitted.</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. 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>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The development of this site as proposed will result in an increase in residential units of 140 no. units.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Stand alone development, with developments in the immediately surrounding area permitted or built.</p>	<p>No</p>

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <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	<p>No conservation sites located on the site. AA Screening Report submitted with the application. 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.</p>	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>	No	<p>The EclA has set out mitigation measures for Bats , Birds and Badgers.</p>	No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	Yes	<p>The site is within the curtilage of Cluain Mhuire (Rockfield House). The eastern façade and entrance gates are on the Record of Protected sStructures, Under the Draft County Development Plan the entirety of Rockfield House is a Proposed Protected Structure. No works are proposed that would have a detrimental impact on nearby Protected Structures.</p>	No

<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>There are no watercourses on the site or in the immediate vicinity. The development will implement SUDS measures to control surface water run-off. 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 will be subject to best practice.</p>	<p>No</p>
<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?</p>	<p>No</p>	<p>The site is served by a local urban road network .</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

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; The location of the site on a site identified for development potential in the Blackrock Local Area Plan 2015-2021 (extended to 2025)
- 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) and Construction Environmental Management Plan.

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

Inspector: _____ **Daire McDevitt**

Date: 29/03/2021