



An
Bord
Pleanála

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

Inspector's Report

ABP-309126-21

Strategic Housing Development

Demolition of existing 2 storey dwelling and ancillary buildings and the construction of a residential development of 192 no. apartments (and ancillary facilities).

Location

Balroy House, Carpenterstown Road, Castleknock, Dublin 15

Planning Authority

Fingal County Council

Applicant

Glenveagh Homes Ltd.

Prescribed Bodies

Inland Fisheries Ireland
An Taisce
Irish Water
TII
NTA

Observers

125 no. observations (Appendix A)

Date of Site Inspection

10th & 22nd February, 2021

Inspector

Rachel Kenny

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1.0 Introduction

- 1.1. 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

- 2.1.1. The site has a stated area of 1.77ha and is located on Carpenterstown Road in Castleknock, approximately 200m north-west of the M50. The site comprises a large residential dwelling, Balroy House, and associated outbuildings. The dwelling is currently vacant, and the site is gated and secured. To the west and east the site is bounded by similarly large individual houses on relatively large plots. To the south of the site is a recently completed housing estate (255 dwellings), Diswellstown, which is a predominantly two-storey housing, but also has apartment blocks up to 4 storeys in height (FW14A/0066). Along the site's northern boundary is the Carpenterstown Road. Further to the north of the site, on the opposite side of Cartpenterstown Road, are smaller residential housing estates, Cottonwood (FW14/0093) and Park Manor. The housing associated with these developments along the Carpenterstown Road are two/three storey detached housing on relatively generous sites. Directly opposite the site, are two and three houses, orientated east-west/west-east, ie. gable elevations facing the Carpenterstown Road and subject site, and also the two housing estate vehicular entrance roads serving Cottonwood and Park Manor.
- 2.1.2. There are 2 no. existing vehicular access / egress points serving the site on to Carpenterstown Road, one at the centre of the site frontage and the other at the western end of the road frontage. The site comprises a significant number of mature trees of differing height and quality and are particularly notable around all of the site's boundaries. The hedgerow and trees at the road frontage of the site form the boundary between the townlands of Carpenterstown and Diswellstown.
- 2.1.3. There is a drainage ditch to the east that forms part of the eastern boundary of the site. However, at time of site inspection, there were insignificant levels of water in the ditch, only for a small section located at the centre section of the ditch. The remainder of the ditch was dry. There is no continuation of this ditch from the site, ie. ditch is bookended by Carpenterstown Road to the north and Diswellstown Way houses to the south. There are no apparent flows out of the site or noted hydrological connections, and from site inspections and reviewing the planning histories on adjoining sites no hydrological links were noted.
- 2.1.4. Within the wider area, St. Patrick's NS is c. 900m walk to the south west of the site. Castleknock Community College is a 1.5 km walk to the north and neighbourhood retail provision approximately 650m to the west. The site is c.1.1 km walking distance from Coolmine train station and c.400 m from the no. 37 bus stop. Within approx. 3km of the site is Blanchardstown village and Shopping Centre. Coolmine

Industrial Estate, Blanchardstown Hospital, Blanchardstown IT, National Sports Campus/Aquatic Centre, and various industrial/enterprise parks (off Snugborough Road) are located within the 3 to 5km distance of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development will consist of:-

- The demolition of the existing 2 storey dwelling and ancillary buildings (c. 1,287 sq. m) and the construction of a residential development of 192 no. apartments (and ancillary facilities) in 5 no. 5 storey apartment buildings, comprising 67 no. 1 bedroom apartments, 104 no. 2 bedroom apartments and 21 no. 3 bedroom apartments (all apartments with balconies or terraces).
- Ancillary facilities (at ground floor of Block A) will comprise a creche (c. 174 sq. m), gym (c. 114 sq. m), residential amenity room (c. 40 sq. m) and security office (c. 22 sq. m)
- Vehicular access to the development will be from 2 no. junctions onto the Carpenterstown Road (including secondary egress (exit only) at western corner of lands. Existing access arrangements are to be reconfigured, with the existing central access to be closed and planted and the main access to be relocated to eastern corner of lands on Carpenterstown Road.
- The layout will facilitate future cycle route along the northern boundary.
- 240 car parking spaces (82 surface car parking and 158 basement car parking); 180 no. basement cycle spaces (as well as bin storage and plant/stores at basement level) and 172 surface cycle spaces.
- Provision of landscaped areas, circulation, paths, attenuation and all ancillary site development works, single storey ESB substation, single storey bicycle and bin stores.

Key Figures

Site Area	1.77ha
No. of units	192
Density	c108 units/ha
Plot Ratio	24.1%
Height	Up to 5 storeys
Communal External Amenity Space	5013 sqm
Part V	20 units
Vehicular Access	2 no. junctions onto the Carpenterstown Road

Car Parking	240 car parking spaces (82 surface car parking and 158 basement car parking)
Bicycle Parking	180 no. basement cycle spaces; 172 surface cycle spaces;
Creche	174 sq. m.
Residential amenity facilities	gym (c. 114 sqm) residential amenity room (c. 40 sqm) security office (c. 22 sqm)

Unit Mix					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apts	n/a	67	104	21	192
As % of Total	n/a	34.9	54.1	11	100

4.0 Planning History

4.1. Subject Site

4.1.1. ABP 305980-19

An Bord Pleanála made a decision to grant permission for the proposed development by Order dated 16th March 2020. Following an application for Judicial Review, that decision was quashed by Order of the High Court perfected on the 6th January 2021 and the case was remitted by that Court back to An Bord Pleanála to again determine the planning application within 10 weeks of the date of the perfected Order (calculated to be 16th March 2021). The case has been assigned a new application ref. number, namely ABP 309126-21, and the assessment under this reference number constitutes the 'new inspector's report' as required under that court order. As per Board Direction dated 03/02/2021, a new site inspection has been carried out and report prepared accordingly.

4.1.2. FW12A/0054

Permission granted for a 151 bedroom 2 and 3 storey nursing home including modifications to, partial demolition of, and change of use of the existing 2 storey house to accommodate reception, social, consultation and treatment rooms; 2 story glazed links to 2 blocks; Block A (3 storey and part basement) accommodating chapel, mortuary, 77 bedrooms; Block B (3 storey) accommodating total 64 bedrooms, kitchen and ancillary facilities; 2 storey service annexe; demolition of existing caretakers dwelling and stables (single storey); modifications to existing entrances; 61 no. parking spaces. Subject to 13 conditions.

Extension of duration until 22nd December 2022 FW12A/0054/E1

4.2. Other SHD Applications within the general area

- 4.2.1. Windmill, Porterstown, Clonsilla, Dublin 15. (approximately 1.2km north-west of this site) - ABP Reference ABP-306074-19 - 211 no. apartments and all associated site works (up to 6 stories and 125.5 units per ha) – Granted with 27 no. conditions.
- 4.2.2. Kellystown, Dublin 15. (approximately 1.5km west of this site) - ABP Reference ABP-308695 – Current SHD Application (decision due 18/03/21)– Demolition of existing building and construction of 360 no. residential units (128 houses and 232 no. apartments) and all associated site works.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 13th June 2019 in respect of a proposed development of 196 no. apartments, crèche and gym on this site. I have reviewed the record of the meeting, and opinion issued. The main topics raised for discussion at the tripartite meeting are noted as per Agenda issued, namely:

1. Design and layout of development including retention of existing trees and hedgerows
2. Impacts on adjacent residential and visual amenities
3. Access and mobility
4. Site services

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 28th June 2019 (ABP Ref. ABP-304386-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act would constitute a reasonable basis for an application for strategic housing development.

5.3. Specific information was requested pursuant to article 285(5)(b) of the P&D (SHD) Regulations, 2017 which is summarised below:

- Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on the visual and residential amenities of adjoining residential sites, on Diswellstown Way and on the wider area.
- Tree Survey, Arboricultural Assessment and landscaping proposals (which should integrate with parking, roads and SUDs proposals).
- Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development.

- Traffic and Transport Impact Assessment, and address issues raised by Fingal County Council (as per their report of 29th May 2019).
- Rationale for the proposed car and cycle parking provision, having regard to s.28 Guidelines and FCC Development Plan standards.
- Additional drainage details, having regard to issues raised by Fingal County Council (as per their report of 29th May 2019).
- Rationale for proposed childcare provision, incl. consultation with relevant Childcare Committee.
- Assessment of the capacity of schools in the area.

The applicant was also advised to consult with:

- Irish Water
- Transportation Infrastructure Ireland
- National Transport Authority
- Relevant Childcare Committee

5.4. Applicant's Statement

- 5.4.1. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which has been summarised as follows:

Item 1 – Photomontages

- Photomontages, cross sections and visual impact analysis have been submitted.
- Additional photomontages were prepared to show the likely appearance of the proposed development from the adjoining residential areas (inc. Diswellstown Way)
- Subsequent to tripartite meeting further pre-app meetings with FCC have resulted in increased separation distances between the proposed development and properties to the south and east. Cross sections from a range of locations, to show this new sectional arrangement/context of proposed development with existing developments.
- Entrance relocated to minimise loss of boundary trees and hedgerows, responding to FCC concerns.
- Scheme steps down to 3 storeys along the southern boundary.

- Scheme includes internal setbacks to the central garden space/also prevents overlooking/ensures good daylight to the units, and units 4 no. units removed to facilitate setbacks.
- Distance between rear first floor façade of dwellings in Diswellstown Way, ground to 2nd floor range from 26m-39.9m, and in respect of the 3rd and 4th facades of Blocks C, D and E ranges from 35 to 42m. Opaque glass screens to balconies, roof area for maintenance only further minimises overlooking.
- Dwellings in the Cottonwood and Park Manor developments along Carpenterstown Road opposite site have an east-west orientation, and therefore no principle windows face the development (Blocks A and B). Separation distance ranges from 36 to 39m.
- House to east, 'Disfield House', is orientated north-south and so has no principle windows facing the development (Blocks A and E), separation distance of 38m-50m. Boundary trees being retained result in limited visibility of the proposed development.
- House to west, 'Winterwood', is orientated north-south and so has no principle windows facing the development. Separation distance of 34m provided (from Block C). Boundary trees being retained result in limited visibility of the proposed development.
- Landscape and Visual Impact Assessment: Site located within the River Valley and Canal Landscape Character Area. Visual appearance of development assessed from a number of viewpoints as area considered to have a high landscape value and high landscape sensitivity.
- Retention of significant number of trees and hedgerow on site, and in particular retention and enhancement of trees and hedgerow along the boundaries, and careful siting, design and massing to minimise visual impact.
- Surrounding developments are within the same landscape character area, and as such precedence for area to absorb high quality residential development.
- Shadow Analysis included.

Item 2 – Tree Survey – Arboricultural Assessment and Landscaping Proposals

- Detailed tree survey report submitted – 163 trees assessed.
- Five proposed buildings designed and sited around the retention of existing mature trees on site, and these form an amenity area in the centre of the site.
- No large old significant trees of high amenity or conservation value are to be found within the site and consequently none are to be removed.
- Tree protection plan prepared and basement carparking designed to minimise tree loss.

- Informal spaces created between Blocks B and C, and all internal spaces designed and sited to benefit from orientation.
- Existing blockwork wall boundary to the Diswellstown housing estate to the south will remain in situ.
- Existing Category A trees on the northern boundary are to be retained and protected, and will be further infilled with native planting to reinforce this natural boundary.
- Landscaping plan has had regard to SUDs, and includes green roofs and pervious paving.

Item No. 3 – Daylight/Sunlight Analysis

- A Sunlight/Daylight Analysis Report has been submitted, which shows daylight levels within the scheme, sunlight levels within the proposed scheme and overshadowing impact to neighbouring gardens.
- Amenity areas within the scheme exceed standards, with 83.9% of the area achieving or exceeding 2 hours of sunlight exposure on 21st March (noting standard is 50%).
- Sun path diagrams included showing limited impact on dwelling to the east (overshadowing for 1 hour on test date) and no impact on the 4 dwellings to the north.
- ADF analysis and calculations show that for the proposed development a 97.3% pass rate is achieved.

Item No. 4 – Traffic and Transport Impact Assessment

- Traffic and Transport Assessment Report Submitted.
- Trip rates calculated using short term traffic counts expanded to Annual Average Daily Traffic (AADT), with base year extrapolated to opening year of 2023 and Design Year 2038.
- Trics planning database used.
- TIA estimates that the proposed development will result in 7 arrivals and 39 departures during the AM peak hours and 35 arrivals and 11 departures during the PM peak hour.
- TIA concludes that the proposed development will have a negligible impact on the links and junctions in the area and that the proposed entrance will operate within normal capacity limits.

Item No. 5 – Car and Cycle Parking Rationale

- TIA submitted deals with this item (Section 5 of TIA).
- Cycle parking exceeds FCC development plan standards (of 231 spaces) and 352 provided. 180 spaces at basement, with remainder in secure cycle stores and visitor spaces/racks at grade level.
- FCC car parking standards noted as 313 spaces (including resident, visitor and crèche spaces). 240 spaces proposed, with 192 spaces for residents (1 per apartments) and 38 for visitors and 10 for creche, having regard to the site's location within c.1km of Coolmine railway station and 375m from Dublin Bus stop, all with frequent service.
- Parking and Mobility Management Plans prepared, and measures proposed.

Item No. 6 – Drainage Detail

- Drawings submitted/Engineering Services Report submitted.
- Appendix H of this report outlines response to concerns of Fingal County Council and responds to Chief Executive's Report and includes correspondence with FCC.
- Synopsis of response included in Response to ABP Opinion, dealing with issues:
 - CCTV survey can be carried out prior to construction.
 - No potential for infiltration
 - Use of extensive landscaping and pervious paving to assist in treatment of surface water runoff prior to discharge, with underground tanks providing temporary store for excessive run-off. Due to site constraints including extensive existing planting on site to be retained there is limited opportunity for swales and open basins.

Item No. 7 – Rationale for Childcare Facilities

- Regard to Guidelines for Planning Authorities on Childcare Facilities (2001)
- Social Infrastructure Assessment has been prepared and a Map of childcare providers in the area has been submitted, along with their capacity. Several providers in the area indicated capacity to take demand from the proposed development.
- Proposed development includes a 174m facility. Sufficient to meet the demand of 34 childcare spaces.

Item No. 8 – Assessment of School Capacity

- Social Infrastructure Assessment states the proposed development will generate demand for between 8 to 47 no. primary school places. This represents just 0.16% to 0.56% of the existing primary school places.
- Capable of being accommodated within the existing primary schools in the area.
- 4 no. secondary schools are identified in the area, with new post primary schools being established in Sept 2020, with a capacity of 800 students.
- Combined with existing schools, the proposed schools will be sufficient to meet the demands of the development.

6.0 Relevant Planning Policy

6.1. National Policy

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009).
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019).
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009).
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Other guidance documents referred to include:

- BS 8206-2:2008 (Part 2: Code of practice for daylighting)
- BRE 209 : Site Layout Planning for Daylight and Sunlight
- CIEEM (2018): Guidelines for Ecological Impact Assessment for the UK and Ireland (Version 1:1, Sept. 2019)

6.2. Local Policy

Fingal County Development Plan 2017-2023 : Zoning

The subject site is zoned 'RS' - 'Provide for residential development and protect and improve residential amenity'. The stated vision for RS zoning is to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

Chapter 2 relates to the Core Strategy and Settlement Strategy. Objectives of particular relevance include -

- Objective SS01 - Consolidate the vast majority of the County's future growth in to the strong and dynamic urban centres of the Metropolitan Area...
- Objectives SS15 - Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.
- Objective SS16 - Examine possibilities of higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities or would otherwise be appropriate in the context of the site.

Chapter 3 relates to Placemaking/Sustainable Res. Dev. Objectives of particular relevance include -

- Objective PM31 - Promote excellent urban design response to achieve high quality, sustainable urban and natural environments; in accordance with the 12 urban design principles set out in the Urban Design Manual (2009).
- Objective PM32 - Having regard to Depts DMURS (2013) and NTA's Permeability Best Practice Guide (2015);
- Objective PM38 (PM40) - Achieve appropriate mix, size, type and tenure.
- Objective PM41 - Encourage increased densities at appropriate locations while ensuring quality of place and residential amenities for future and existing residents are not compromised.
- Objective PM42 & PM43 – Apply s.28 Guidelines - Sustainable Urban Housing Design Standards for Apartments (2015 and 2007)
- Objective PM44 – Encourage and promote the development of underutilised infill sites.... in existing residential areas, subject to the character of the area and environment being protected.
- Objective PM45 – Promote use of contemporary and innovative design solutions subject to the design respect the character and architectural heritage of the area.

- Objective PM52 – minimum open space provision of 2.5ha per 1000 population... based on 1.5 persons for two or fewer bedrooms or 3.5 persons for three or more bedrooms.
- Objective PM53 provides for financial contributions in lieu of open space provision in smaller developments.
- PM61 – Ensure permeability and connections between public open spaces ...
- Objective PM76 requires appropriate purpose-built childcare facilities where they are deemed necessary by the Planning Authority.

Chapter 9 relates to Natural Heritage, and to this end the site is noted as being located within the River Valley and Canal Landscape Character Type, which is considered to have a high landscape value and high landscape sensitivity. The following landscape character objectives are relevant in the assessment:

- Objective NH33: Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.
- Objective NH34: Ensure development reflects and, where possible, reinforces the distinctiveness and sense of place of the landscape character types.
- Objective NH36: Ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area.
- Objective NH39 – Require any necessary assessments, including visual impact assessments to be prepared prior to approving developments in highly sensitive areas.

Chapter 12 relates to Development Management Standards.

- Objective DMS20 requires a min of 50% of all apartments in scheme to be dual aspect.
- Objective DMS28 – A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

As this issue is a critical issue raised by the Planning authority and existing residents within the immediate vicinity of the site, I would draw the Board's attention to the FCC Development Plan preamble (to DMS28) regarding separation distances which states that "A minimum standard of 22 metres separation between directly opposing rear first floor windows shall be observed, normally resulting in a minimum rear garden of 11 metres. However where sufficient alternative private open space is available this may be reduced subject to the maintenance of privacy and protection

of adjoining residential amenities.” The Plan further states that “All proposals,, particularly apartment developments over three stories high shall provide for acceptable separation distances between blocks... The minimum standard distance of 22 metres between opposing windows will apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed. Any relaxing of standards will be assessed on a case-by-case basis and should not be seen as setting a precedent for future development.”

- Objectives DMS34 comply with sun lighting and daylighting recommendations of B.R. 209, 2011 and BS8206, 2008
- Objective DMS39 – infill development shall respect the height and massing and shall retain the physical character of the area including gates, walls, landscaping, etc.

The Development Plan notes ‘that a balance is needed between the protection of amenities, privacy, the established character of the area and new residential infill. The use of contemporary and innovative design solutions will be encouraged for this type of development’.

- Objective DMS80 – Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of the development.

Within the applicant’s statement of consistency, the applicant has identified further objectives and development management standards, however, the above are considered to be the key objectives and standards where potential issues have been highlighted. The objectives highlighted in the Appendix to the Chief Executive’s report have also been considered.

7.0 **Statement of Consistency**

7.1. 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 City Development Plan.

7.2. The applicant has indicated consistency with national and local policy as outlined below:

7.3. National and Regional Policy

- Noted declining household population size (to 2.5 persons by 2040), and nature of existing housing stock (detached and semidetached dwellings with three and four bedrooms)
- Proposed development accords with the National Planning Framework (2018) (NPF), in particular with the principles of compact growth and the reinforcement of the country’s existing urban structure and core principles for housing delivery - in particular that the location of new housing be prioritised in existing settlements

- and its objectives for the provision of homes at sustainable locations and increased residential density within settlements.

- The proposed development responds to the identified strategic need for a greater mix in the housing stock in urban areas, providing a variety of house types to accommodate a mix of household types. The proposal includes 34.8% 1 bedroom apartments, 55.7% 2 bedroom apartments and 11% 3 bedroom apartments (reflecting and in accordance with the 2018 Apartment Guidelines which seeks to provide a mix of apartment types that better meets contemporary household formation)
- The proposal will deliver much needed housing within the Metropolitan Area of the Greater Dublin Area in accordance with the aims of Rebuilding Ireland, and in particular Pillar 3, which seeks to build more homes – “to increase the output of private housing to meet demand at affordable prices.”
- The proposal is in compliance with Specific Planning Policy Requirement 4 of the Urban Development and Building Height Guidelines (December 2018) which requires that developments meet the Sustainable Residential Development in respect of density, provides an appropriate mix of building heights and typologies and to avoid mono-type building typologies. The proposal provides an appropriate density in compliance with the Sustainable Residential Development in Urban Areas (2009) at 108 units per hectare.
- The proposed development accords with the Guidelines for Planning Authorities on Sustainable Residential Development (SRD) in Urban Areas (2009), and could be best described as an infill site (on greater than 0.5 hectares), within a public transport corridor (c. 1km from Coolmine Train Station) and also having regard to its location within the existing footprint of developed areas in the locality, with Diswellstown located to the south, and Park Manor to the north.
- The proposed development conforms to the more detailed guidance within the guidance on layout, design and density and meets the 12 criteria contained within the Urban Design Manual (2009) a companion document to the SRD Guidelines.
- The proposed development will make efficient use of land, be of high-quality design and integrate physical and social infrastructure, meeting the definition of sustainable neighbourhood contacted within Delivering Homes, Sustaining Communities (2007). The proposed apartments and associated communal spaces will conform to and exceed the standards set out within Sustainable Urban Housing: Design Standards for New Apartments (2018).

7.4. Fingal County Development Plan 2017-2023

- The proposed development accords with the relevant policies and objectives, as well as development management standards of the county development plan, including with respect to residential development, social infrastructure, green infrastructure, heritage and protection of the natural environment.

8.0 Third Party Submissions

8.1. 125 no. submissions in respect of the application have been received from third parties, all of whom are listed in Appendix 1 of this report. Among those who made submissions are local residents, a number of resident associations, elected representatives (TDs, Councillors, etc), and prescribed bodies.

8.2. A number of consistent and recurring themes arose in the submissions received. Where individual or unique issues have been raised, they too are pulled out and noted under the relevant headings. I have for the purpose of this assessment categorised the issues raised in the submissions under the following headings:

1. Compliance with Statutory Obligations
2. Principle of Development
3. Nature of the development – Layout, Height, Density, Mix, Open Space
4. Residential Impact
5. Social Infrastructure
6. Traffic & Transport
7. Site services and Infrastructure
8. Flooding
9. Landscape Character and Ecology/Trees
10. EIA
11. AA
12. Miscellaneous

8.3. The issues raised are summarised below and are dealt with later in the assessment that follows.

8.3.1. Compliance with Statutory Obligations

- In the context of the Liffey Valley Special Amenity Area Order, the proposed NHA and the number of Natura 2000 sites in the area, An Taisce and NPWS should have been notified but were not notified or consulted.
- Public notices did not make any reference to the SAAO or the pNHA.
- Dublin City Council/South Dublin County Council should have been notified.
- SHD provisions do not override the obligations to notify bodies ordinarily in accordance with the Regulations.
- SHD process is at odds with the principles of the Aarhus Convention.
- Board is required to conduct an SEA on a material variation of the Development Plan.
- The Board is required to set aside/dis-apply provisions of national law in breach of EU law.
- Failure in the application material to adequately provide the Board with sufficient information to enable it to assess the impact of the development.
- Proposal is a material variation of the Fingal County Development Plan and the application has failed to alert the public to the material contravention of the plan, thereby misleading the public

- Section 28 Guidelines enable Board to apply densities and heights consistent with the guidelines but material variation to the plan should be advertised.
- Errors in the application documents including:– absence of ‘demolition works’ from application form; EIA screening makes false statements; wrong images in the Landscape and Visual Impact Assessment.
- No reference to 10 year permission in the public notices.

8.3.2. Principle of Development

- The proposed development would change the nature of the area.
- Excessive levels of development experienced in Carpenterstown area, and area has reached saturation.
- The area would be more suited to permitted nursing home development or park/playing fields.
- The residents’ association supported/never objected to the provision of a nursing home as there is a severe shortage of nursing homes places locally.
- Development will be of no benefit to the community.
- All Part V are in one block contrary to the principles of mixed housing and should be pepper potted throughout the scheme.
- Proposed development does not comply with the National Planning Framework, Urban Development and Building Height Guidelines, Sustainable Residential Development Guidelines.
- Development is contradictory – stating that it is facilitating downsizing for elderly people while providing 352 cycle spaces for commuters.
- Clear distinction between the RA and RS zoning type – proposed development would be more consistent with the RA type zoning. Proposal cannot be considered consistent with the RS zoning for the site - The gym is not considered to be a permissible use.
- ABP should reduce the height, density, visual and environmental impact
- Proposal would materially contravene the Development Plan in relation to residential density and water treatment objectives of the County Development Plan. Objective DMS39 refers to infill – proposed development materially contravenes this policy.

8.3.3. Nature of the Development - Height, Density and Mix

- The proposal does not respect the character of the area in terms of form, height and density, where adjoining properties are 2 storey in height and far lower densities.
- The site is not a brownfield site and would be more accurately characterised as ‘greenfield’ and ‘outer suburban’, with a target density is 35-50 dwellings/ha
- Applicant has not justified the proposals in light of the Building Height Guidelines.
- Proposal will set a precedent for such a scale and density.
- Height is not consistent with the Diswellstown Action Area Plan.

- The development should have a variety of building heights - a mix of 2, 3 and 4 storeys.
- Overdevelopment of the site.
- Higher density should be beside transport nodes or corridors/no justification for the density in this instance.
- Demand is for family sized units/Should provide a greater mix of units.
- Inappropriate housing mix – 1 and 2 bed units make up 89% of the available units.
- Age Cohorts used by the applicant are not the same cohorts as used by the CSO. Youngest cohort of the Castleknock – Knockmaroon electoral division requiring school and childcare places makes up 30% of the population. 19-64 year old cohort accounts for 66% of the population.
- Not a large amount of the population in the area looking to trade down to apartments.

8.3.4. Residential Impact

- Overlooking/loss of privacy:
 - Reports do not correctly account for neighbouring windows.
 - Separation distances are inadequate, and step back is insufficient to ensure privacy.
 - screening to balconies will provide no additional privacy to rear gardens of neighbouring properties or privacy for children currently at play in rear gardens.
 - Additional trees will take years to mature before capable of improving privacy.
 - Insufficient detail in relation to maintenance of trees bounding property/adequately protected during construction works/existing mature trees provide effective screening/required to ensure privacy/condition should be imposed in relation to tree protection measures.
- Overshadowing Impact
 - Overshadowing assessment does not account for the winter period
 - Proposal would overshadow most of the houses in Cottonwood/some of the houses in Park Manor.
 - Shadow analysis does not outline the existing circumstances on the ground – therefore a full assessment has not been carried out
- Loss of visual amenity / Visual impact has not been adequately considered -
 - Insufficient photomontages/inaccurate photomontages/worst cases not shown.
 - Proposed views show trees in full leaf cover.
 - More relevant viewpoint is from Diswellstown Way – view is going to be a brick wall.
 - Proposal will tower over existing houses.
 - Loss of trees, altering character of area.

- Construction Impacts
 - Impact of basement construction on adjoining properties - previous development had to use explosives to remove bedrock.
 - No monitoring system in place to ensure no damage is caused by the construction works.
 - Disruption during the construction period.
- Amenity for future residents
 - Proposed development will have a lack of light as each block would overshadow the other/ground floor apartments would be lacking in light.
 - Future occupiers of apartments facing west will not get sunlight due to large trees on the adjacent site.
 - Daylight and Sunlight Report demonstrates that 14 units have daylight significantly below the permitted limit.
 - Apartments in Block C very close to boundary and will be dark and dank.
- Noise and light pollution.
- Given the elevation and height of the proposed development, will impact the views within and across the Liffey Valley/in particular at night from illumination.
- Reduction in property values

8.3.5. Social Infrastructure, including open space -

- The proposal due to its scale and density creates excessive demands on social and economic infrastructure, with no plans for their improvement.
- Development of sites individually avoids obligation/requirement for such the provision of public open space and recreational areas to meet the community's needs Insufficient amenities in the area to service the development.
- Insufficient school/crèche capacity in the area, and no guarantee the proposed crèche will be opened.
- St Patrick's NS is currently at 10% above capacity.
- Errors in the social infrastructure report relating to schools in the catchment area/capacity of existing schools
- Adverse impact on the social cohesion of the area.
- Census data shows high demand for school spaces in the area - 18% of families with early school/15% with pre-adolescent children. – evaluating this application on the basis of national averages is flawed.
- Medical centre and GP services are at capacity
- Not credible that a small gym is viable in this development.
- Welcome delivery of the crèche – should be conditioned to ensure that crèche is operated and not subsequently changed to residential use.
- Inadequate Garda presence to manage current levels of burglaries and crime.

8.3.6. Open Space

- Deficit of green spaces/no communal space for the wider community.

- Other apartment blocks in the area have plenty of open spaces – this is not the case for this development.

8.3.7. Traffic

- Public Transport
 - Private car use is the primary mode of transport in the area.
 - Development is premature pending much needed improvement to public transport infrastructure.
 - Bus commute times to the city centre are lengthy and circuitous.
 - Site is 1.3km from Coolmine Station, and not 1km/600m+ from the nearest bus stop.
 - Rail service is infrequent/already over capacity, and new carriages not due until 2027/2035.
 - Bus connects will not increase frequency or capacity on buses/commute times.
 - No local bus to the business parks on the other side of the M50.
- Parking
 - Very limited parking on site, therefore overflow onto neighbouring estates is likely.
 - No proposals to address overspill parking in neighbouring estates.
 - Planning precedents do not justify the car parking ratio sought.
- Traffic Hazard
 - Development will result in a traffic hazard
 - Proposed entrances would create a traffic hazard.
 - Number of serious accidents along Carpenterstown Road.
 - Speeding along Carpenterstown Road.
 - Vehicle conflict with junction opposite the site.
 - Sightlines - Speed survey should have been carried out to validate the Y distance/existing vegetation will cause screening.
- Existing Infrastructure
 - Developer has understated the impact of their specific proposal on the immediate local infrastructure
 - Existing roads are already congested and the proposed development will lead to further congestion
 - Upgrades to Carpenterstown Road are needed.
 - No cycle infrastructure in the area - ABP need to ensure that the cycle path is put in place prior to the opening of the development
 - Gap in the footpath infrastructure along road – not shown developer's drawings.
 - Letter from Tanaiste Leo Varadkar submitted re. funding allocation (of €25,000) for footpath improvements along Carperstown Road to College Road.

- Traffic Impact Analysis
 - A submission from local resident (G.Turley, Chartered Engineer and TII Approved Roads Safety Audit Team Leader) raised concerns re. Road Safety (crossroads created, poor siting of disabled bays, lack of cycling infrastructure, query accuracy/appropriateness of visibility splays, swept path analysis) and Traffic Impact (query re accuracy of trip generation and predicted traffic and Queue Length Surveys, existing carrying capacity of roads, etc)
 - TIA is fatally flawed for a number of reasons including *inter alia* queue length surveys are not available, Bus Connects/Dart Expansion do not have permission, shortage of cycle infrastructure, trip generation appears to be extremely low, impact of crèche and gym, impact of surrounding developments, performance of existing junctions not considered.
 - Traffic analysis misrepresents actual traffic volumes on Carpenterstown Road
 - survey date of 13th December meant traffic volumes were light
 - Thursday is a light traffic day
 - Only monitored for a single day
 - 2018 figures used
 - Does not take account of planned or permitted developments.
 - Traffic report does not take account of new developments, including Hamilton Park and Crofton Hall.
 - Two adjoining sites have been sold/proposal needs to reflect other proposals.
 - TIA does not considered the junction between Junction 4 and 5 - this frequently backs up to Junction 4
 - Traffic modelling does not assess the critical link roads to the M50 including Parklodge Road, Castleknock Road and Auburn Avenue.
- Access to M50 is only possible via Blanchardstown Village (4km) or Castleknock (4km).
- No Road safety audit has been submitted.
- Crèche would attract traffic from outside area
- Question appropriateness of proposed cycle provisions
- Should link to adjacent sites to rationalise entrances and exits onto Carpenterstown Road.
- Claim that higher densities are supported by public transport is not sustainable. Data shows that 57% of residents in St. Mochta's Parish (Diswellstown-Porterstown-Clonsilla Village) commute by driving.
- Noise levels of traffic not considered.

8.3.8. Site services/ Water and drainage Infrastructure

- Infrastructural deficits.
- Insufficient capacity of foul water infrastructure.

- Impact on drinking water/treatment plant has insufficient capacity for the population using it.
- Increase in hardstanding has potential to increase peak flow and volume of the stormwater run-off, and increase flooding downstream.
- Siltation and maintenance issues of proposed SUDs elements.
- Infiltration tests were insufficient.
- Soil type means that significantly larger attenuation is required.
- Current recommendations suggest an increase of 40% allowance for climate change.
- Proposed drainage does not take account of the Board's recommendations regarding SUDs measures.
- Irish Services Water Report and Report from Fingal are not available on the developer's website.

8.3.9. Landscape and Ecology/Trees

- Methodology of the Ecological Impact Assessment is flawed.
- No clarity established in relation to bat roosts in trees – trees which provide roosts are protected/impact of lighting on bats/ no evidence of a derogation licence. In relation to bats, it is not permissible to grant permission on the assumption that a derogation licence would be granted under a separate system of consent.
- Impacts on birds has not been adequately assessed and it is not possible to conclude that Article 5 of the Birds Directive will be respected.
- Public lighting report is inadequate and no consideration of effect on bats or other wildlife.
- Habitat surveys were carried out in December and April/surveys should be carried out between late March/early April and mid-October.
- Site is located on a locally important aquifer with a groundwater vulnerability of high/well is adjacent to the southern boundary of the site.
- Site is located in a Highly Sensitive Landscape as defined in the Development Plan.
- Additional planting will need to be cleared to facilitate development and the proposed cycle lane.
- Impacts on ecology including foxes, badgers, bat and bird species.
- 50% of the trees proposed to be removed and not replaced.
- Categorisation of trees in the tree survey is incorrect. Trees are more important than categorised. Removal of 79 trees is not insignificant.
- Impact of the proposed development on the existing watercourse (via drainage ditch).
- The 3 no. Lombardy Poplars add to the visual amenity of the area - should be categorised as Category A trees - no evidence to support their removal. If ABP are minded to approve development, these trees should be retained by way of condition.

8.3.10. EIA

- When considered cumulatively surrounding projects or potential projects would push the proposed development in to the threshold for mandatory EIA.
 - Development of sites individually avoids certain obligations such as production of an Environmental Impact Statement.
 - Needs to be considered a wider urban development project – spliced into sub-threshold applications. – urban development project as a whole together with the cumulative impacts need to be considered.
- Foul water system is overcapacity/frequent spills into Dublin Bay/Protected under European Law (SAC No 000206 and 000210) /additional foul water would worsen the situation/EIAR screening report fails to address this potential impact.
- Inadequate consideration given to health impacts – i.e. drinking water
- Misleading information in the EIA Screening report. Necessary reports have not been furnished to support the screening determination.
- No reference to EIA or AA screenings in the Inspector’s pre-application reports, Board Order or Direction.
- EIA Screening Report is reliant on the Irish transposition of the 2014/52/EU Directive which is flawed in the 2018 regulations introduced.
- Inspector’s report (at pre-application stage) highlights a hydrological connection between the site and the River Liffey.
- Board needs to address the obligations of the Water Framework Directive.
- Lack of adequate assessment on water quality impacts on the River Liffey.
- Inadequate consideration given to otters, bats, etc.
- Removal of hedgerows needs to be considered for EIA purposes also.
- Consideration required re impact on the unnamed stream on the site.
- No consideration is given to the Liffey Valley Special Amenity Area Order (SAAO)/pNHA in the EIA Report

8.3.11. AA

- Impacts of the development on Natura 2000 sites, protected species, wider biodiversity and water quality.
- Mitigation has been incorrectly included in the screening out of AA contrary to ‘People over Wind’ judgement.
- Uncertainty over delivery of improvements to Dublin waste water /capacity shortfalls.
- AA screening has not achieved the standard of certainty required to dispense with full AA.
- Upgrades to the Ringsend Plant are inadequate/Clonshaugh plant will take years to complete.
- Objective WT04 – permission may only be granted if temporary treatment plants are provided.

- AA is required to assess the impacts on Tolka and South Dublin Bay SPA/North Bull Island SPA.
- Conclusions of AA screening are incorrect.
- Will impact on species/habitats/birds as a result of overflow from the Ringsend Plant.
- Ringsend Plant is breaching its emission limits by over 100%.

8.3.12. Miscellaneous

- Request an Oral Hearing.
- Applicant has not entered into any consultation with neighbouring estates.
- Concern that development will be short term lets by a vulture fund
- 10 year permission sought provides for further uncertainty in relation to the timing of this development – is contrary to what the SHD provisions are intended to facilitate.
- Public has been inadequately informed in respect of Judicial Review process.
- Applicant should prepare a concept plan to take account of future development on adjoining sites.
- Health Impact due to Air Quality
 - Impact on health from traffic fumes
 - Pollution levels from M50 not considered
 - Removal of trees will increase air pollution levels
 - Air quality assessment required.
- Rights of Way not identified or retained.
 - Existing right of way to Winterwood from the Carpenterstown Road
 - Submitted plans show the linkage to Winterwood Road being replaced by planting.
 - Requests that ABP seeks the retention of the right of way by condition to any grant of permission.
- Crime - Issues with crime in the area/ Insufficient Garda in the area.
- Concerns in relation to emergency vehicle access.

8.3.13. Included with submission were following attachments: EPA Wastewater Discharge Licence Technical Amendment A; EPA site visit report; EPA Wastewater Discharge Licence Technical Amendment B; Waste Water Discharge Licence; Waste Water Discharge Licence Clerical Amendment C; Assessing Recent Trends in Nutrient Inputs to Estuarine Waters and Their Ecological Effect.

9.0 Planning Authority Submission

9.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

General/Principle

- The site context is described as being within Blanchardstown Development Boundary, and is considered to be a suburban/edge site, having regard to its location relative to public transport infrastructure in the vicinity. Alongside adjoining sites, it represents an opportunity for substantial infill development.
- The site is within the Castleknock-Knockmaroon ED, which is dominated by traditional two storey housing. The 2016 census indicated that public transport only accounts for 12 % of trips in this ED.
- The front/northern boundary has the highest ecological, historical and character value associated with the site. The eastern boundary contains a drainage ditch with a hydrological connection to the Liffey that presents a potential environmental risk.
- Social/public transport infrastructure in the area noted as– St Patrick’s National school is 900m from the site, Castleknock Community College 1.5km, neighbourhood retail c.540m, Coolmine train station 1.2km and a no.37 bus stop is c.500m from the site. Adequate active and passive open space serve the existing population of the area.
- Site is zoned RS – ‘Provide for residential development and protect and improve residential amenity’ and it falls within the Blanchardstown Metropolitan Consolidation Area as set out in the Core Strategy. As such the principle of the proposal is in accordance with the core strategy of the Fingal Development Plan 2017-2023. It is consistent with the settlement policies and objectives of the Development Plan, and is consistent with national policy which seeks to significantly increase housing output on zoned serviced lands.
- There are a number of concerns regarding consistency with a number of Development Plan objectives.
 - Density is at the high end of what the site, the area and the proposed development could accommodate.
 - Adherence to minimum standards has resulted in a development that does not meet the aspirations of Fingal Co. Co. for a development of this sort.
 - A level of redesign, including a reduction in density would be necessary to mitigate against a number of potential negative impacts.
- Relevant national objectives and policies in the NPF, Guidelines for PAs on Sustainable Residential Development in Urban Areas (2009), Guidelines for PAs on Sustainable Urban Housing: Design Standards for New Apartments (March 2018), Urban Development and Building Heights Guidelines (Dec 2018), Guidelines for Planning Authorities on Childcare Facilities 2001, and Guidelines on the Planning System and Flood Risk Management 2009, highlighted.
- Acknowledges that the proposal strongly contributes to national policy however notes that the development density is at the higher end of what the site can accommodate, and that the applicant has not adequately demonstrated capacity of social infrastructure with particular reference to school capacity.

- The site is considered to be inside the margin of what can be considered a public transport corridor for the purposes of the Urban Development and Building Height Guidelines (2018)/An Intermediate Urban Location for the purposes of the Design Standards for New Apartments (2018).
- RSES were adopted subsequent to the previous consideration of the proposal by FCC – and it is noted that Regional Policy Objective 4.3 seeks to ‘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 coordinated with the delivery of key water infrastructure and public transport projects. The proposal is considered to be consistent with this policy.
- In terms of compliance with local policy the planning authority have confirmed that the proposal accords with the zoning objective for the area and core strategy and settlement policies of the Development Plan.
- In respect of the layout, concern expressed as to the extent to which the proposal seeks to alter the established character of the area imposing a new urban grain in contrast to the existing character established by single residences on large plots.
- ABP should be mindful as to the sensitivity of this transition and how well the proposal would contribute to the area as a standalone development and its longer term contribution to the streetscape along this roadway.
- Limited indication of future connections to the sites to the east and west and in particular how the proposed footpath and cycleway along the inside of the northern site boundary would connect to adjoining sites.

Overall Layout

- Not compliant with SPPR3 of the Urban Development and Building Height (2018), due to non-compliance with criteria 3.2.
- Visual impact will be greater than slight, and the development will not integrate into or enhance the character of the area.
- Impact on the wider amenity will be significant and would benefit from a more rounded look of the wider streetscape.
- Front boundary of the site should be retained; and proposals designed around them.
- Concern as to precedent set for similar developments.

Movement and Transportation

- There are capacity constraints in the road, rail, bus and cycle infrastructure, and the development would significantly increase the population and place further demands on this infrastructure.
- The subject site has a level of access to public transport and services greater than many places in and around the city, where significant amounts of new housing could be provided.
- Allowing development to occur on this site would allow a more efficient and sustainable use of city’s transport infrastructure than would be likely to occur if housing was not permitted.

- The extent to which the transportation capacity constraints and the timescale in which it is proposed to resolve them will be a critical consideration for An Bord Pleanála in this case.
- The extent to which the proposal will impact on existing public transport infrastructure is a factor of the density proposed, and ABP must determine if this is acceptable.
- The Transportation and Planning Section raises no objection to the proposal as presented.
- Option A is stated as the preferred option to secure cycle route.

Social Infrastructure Carrying Capacity

- Significant constraints in relation to schools and childcare have been raised in submissions and views of elected members.
- It is evident that there is a constraint in this regard. Section 4.3 of the Sustainable Residential Development Guidelines is relevant in this regard.
- Based on dealings with Dept of Education, it is suggested that there is a deficit in secondary school provision in the wider catchment of this site.

Water Services

- No objection

Open Space and Landscaping

- No objection
- Retention of front boundary

Development Standards

- Separation distances between opposing balconies in blocks C and D, and, D and E, fall below the 22m prescribed in objective DMS28 of the CDP.
- Separation distances from property boundaries remain at the lower to limit of acceptability.
- Complies with 2018 Guidelines on the Design of New Apartments, incl. SPPR3 (min floor areas); SPPR 4 (aspect of apartments); SPPR 5 (ceiling heights); and SPPR 5 (no. of apartments per core).

Environmental Carrying Capacity

- Applicant's EIA Screening and AA screening reports identify no potential impacts of concern.
- As ABP is the competent authority, FCC offer no determination in this regard.
- Designation of the front and rear boundary of the site on Map 15 of the Fingal CDP as an Annex 1 habitat has been identified as a labelling error by the biodiversity officer of Fingal Co. Co.

Flood Risk

- Submitted flood risk assessment identified no areas of flood zone A or B in the vicinity. The assessment is acceptable and in accordance with the Planning System and Flood Risk Management Guidelines.

Other Issues

- Design of the proposed buildings achieves an acceptable standard.

- Landscaping proposals for private and public open spaces achieve an acceptable standard.
- Palette of materials is of high quality.
- Concern in relation to breakout of sound from the gym. Details required to demonstrate that this would not be an issue.
- Security of basement cycle parking a concern and position of the surface bike stores not integrated within the apartment buildings.
- Floor plans don't show a glazed screen to south of the balcony to apartment 4.3E on the 4th floor, and its inclusion should be conditioned.

9.1.1. **Summary of the points raised in submissions and observations.**

- Scale, bulk and mass will lead to negative impacts.
- Carrying capacity of receiving environment is inadequate – including, transport, environment, social and educational.
- Errors in planning application documentation in relation to assessment of existing social and physical infrastructure.
- Appendix B provides a more detailed summary.

9.2. **Planning Conditions and Reasons**

29 no. conditions are recommended if the Board considers it appropriate to approve the application. Those of note include:

- Condition 2 – Financial contribution in lieu of shortfall of Public Open Space – used toward upgrading in Porterstown Park.
- Condition 3. Open space to be made available to residents prior to occupation of the dwellings.
- Condition 5. Tree protection measures and a bond. Option A – indicative future cycle track to be implemented.
- Condition 6 – transport section requirements incl. Option A – indicative cycle track and future pedestrian network to be provided for. 213 car parking spaces reserved for residents, with remaining spaces (27 reserved for visitor and creche)
- Condition 11. Archaeology
- Condition 13. No development (plant, lift, etc) above the parapet.
- Condition 20 – noise condition
- Condition 23 – Gym operating hours

9.3. **Departmental Reports**

9.3.1. Transport

- 4.5m junction radii would be considered practical.
- Not clear if ramp access exceeds 7%.

- Option A is the preferred option in relation to the northern boundary of the site.
- No development should take place within the space from the existing road side kerb edge to the back of the proposed cyclepath/footpath on the preferred option.
- Option A is the preferred option in relation to the set-down for the crèche/can be used for visitor parking outside of crèche hours.
- Parking provision is in accordance with Development Plan Standards – a minimum of 213 spaces should be kept for the exclusive use of the residential units/remainder to address the crèche and visitor parking requirement.
- Cycle parking is in compliance with national standards.
- Methodology of the TIA appears reasonable.
- No objection to proposal subject to conditions.

9.3.2. Parks and Green Infrastructure

- Financial contribution in lieu of shortfall of Public Open Space – used toward upgrading in Porterstown Park.
- Proposed communal/semi-private open space and associated play provision are acceptable.
- Option A is the preferred option in relation to the protection and retention of the townland boundary.
- Recommend conditions.

9.3.3. Water Services

- Foul – Statement of Design Acceptance from Irish Water/legal consent to connect to sewer may be required.
- Surface – Sufficient SuDS are being provided/percentage of green roof area is low.
- Water Supply – Statement of Design Acceptance from Irish Water.
- Flood – FRA is acceptable and in accordance with the Planning System and Flood Risk Management Guidelines.

9.4. **Elected Members**

9.4.1. A summary of the views of elected members as expressed at the Area Committee (Services B) Meeting at the meeting on 5th December 2019 is included in the Chief Executive's Report and is reproduced below:

- Proposed development is fundamentally flawed, it will not lead to the creation of a sustainable community.
- Density too high.
- Scale and height excessive in the context of surrounding development.
- Detrimental to residential amenity.
- No capacity within existing or proposed transport infrastructure.
- No capacity in schools or childcare in the area.

10.0 Prescribed Bodies

10.1. Inland Fisheries Ireland

- Surface water management measures must be implemented at the construction and operational stages to prevent any pollution of the Liffey Valley Catchment.
- Maintenance policy should include regular inspection/maintenance of SUDs infrastructure/Petrol/Oil interceptors.
- All construction should be in line with a site specific Construction Environmental Management Plan.
- Essential that local infrastructure capacity is available to cope with increased foul and storm water generated by the proposed development/Ringsend Wastewater Treatment Plant is currently overloaded/while additional capacity is under construction any additional loading to the current plant is premature until the upgrade is completed.

10.2. NTA

ABP should give consideration to the following:

- Road network – will give rise to an increased number of cycle and pedestrian trips/adjacent road network does not provide for an increased usage of these modes in terms of crossings or in terms of through movement.
- Wider pedestrian and cycle environment – the connections from the site in all directions, in particular towards the Neighbourhood Centre, Castleknock College and St. Patrick's National School.

10.3. Irish Water

- Based upon the details provided by the developer and the Confirmation of Feasibility issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

10.4. Transport Infrastructure Ireland

- Submission received, with no comment expressed.

10.5. An Taisce

- Submit that the application should have been referred to An Taisce
- Site lies within an area designated as Highly Sensitive Landscape in the Fingal County Development Plan
- Without certainty in relation to the potential connection of the drainage ditch to the stream, the downstream ecological impacts cannot be adequately assessed.

11.0 Oral Hearing Request

- 11.1. Third party request that an oral hearing be held.
- 11.2. In respect of SHD cases, in line with the provisions of the Act, oral hearings are to be held in exceptional circumstances. In this regard, there is a presumption against an oral hearing, and the function of not holding an oral hearing is delegated to the Director of Planning/Assistant Director of Planning (ADP). As this case was remitted to a new inspector, I have assessed afresh the requirement to hold an oral hearing, and I am satisfied that adequate information exists on the file to allow me to complete my assessment without an Oral Hearing.
- 11.3. The recommendation to not hold an oral hearing, has been considered and approved by an ADP (see form on file).
- 11.4. I note the Board in their direction (dated 03/02/21) to return the case to a new inspector for assessment made no formal decision in respect of an oral hearing, and I note that the requirement to hold one may arise following their consideration of this assessment.

12.0 Assessment

- 12.1. The planning issues arising from the proposed development can be addressed under the following headings-
 - Principle of Development
 - Density
 - Design and Layout
 - Height
 - Visual Impact
 - Surrounding Residential Area/Property
 - Landscape Character Area
 - Residential Amenity – Neighbouring Properties
 - Overlooking
 - Sunlight, Daylight and Overshadowing
 - Future Residential Amenities & Residential Standards
 - Daylight and Sunlight
 - Overlooking
 - Communal Facilities
 - Public and Communal Open Space
 - SPPR - Housing Mix, Floor Area, Dual Aspect
 - Miscellaneous Development Standard
 - Social Infrastructure
 - Traffic and Transport
 - Flood Risk
 - Site Services

- Ecology
- Trees
- Other Issues
 - Archaeology
 - Part V
 - Duration of permission
 - Right of Way
- Material Contravention
- Chief Executive's Recommendation: response re SPPR3, etc..
- Compliance with Statutory Obligations

12.2. Principle of Development

12.2.1. Zoning: Fingal Development Plan

The application site is zoned 'RS – Provide for residential development and protect and improve residential amenity' in the Fingal Development Plan 2017-2023. In terms of the uses proposed, specifically 'residential', 'creche', and 'open space' these are supported by the RS zoning objective and as such are acceptable in principle. In addition to the creche facility, facilities at the ground floor of Block A include a gym, residential amenity room and security office. I am satisfied that these uses are ancillary to the residential use proposed, and in any event do not fall within the 'not permitted' category of uses for RS lands. Uses which are neither 'permitted in principle' nor 'not permitted' will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan. To this end, I am satisfied that all uses proposed on site are acceptable in principle and comply with the Zoning Objective and contribute to the Vision for the RS lands. In addition, the gym is an ancillary facility for the communal use of residents of this apartment scheme and as such wholly in compliance with DMS34.

12.2.2. The Planning Authority have raised no objection to the principle of a residential development on this site.

12.2.3. I note a number of third parties consider the gym use to be contrary to the zoning objective, however, as above, I am satisfied that there is no material contravention in this regard.

12.2.4. I note the vision for RS lands is to 'ensure that any new development in existing areas would have a minimal impact on and enhance existing amenity'. Therefore, while the proposed development is acceptable in principle, any such development needs to address impacts on surrounding residential area, which I have assessed in the relevant sections below.

12.2.5. The site is located within the metropolitan area of Blanchardstown and the nature and scale of the development complies with the settlement policy objectives and core strategy for the area as provided for in Fingal's Development Plan.

12.2.6. Regional Policy

Subsequently in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands area (adopted June 2019), the area, comprising the application site has been included within the MASP, and is therefore part of the area identified for 'consolidation of Dublin City and suburbs.'. The development in principle accords with regional policy. This compliance is also confirmed in the Chief Executive's Report.

National Policy

12.2.7. National policy at a strategic level is expressed within National Planning Framework (Project 2040) (NPF, 2018) and Rebuilding Ireland (2016).

12.2.8. NPF seeks to improve urban places, to 'enhance people's experience of living and working in and visiting urban places.'. NPO35 seeks to 'increase residential density in settlements, through a range of measures including infill development schemes, area or site-based regeneration and increased building heights'.

12.2.9. Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully supports the 'need for urban infill residential development' and 'increase output of private housing to meet demand', such as that proposed on this site.

12.2.10. The subject application includes a statement of consistency in respect of national policy in terms of compliance with section 28 Ministerial Guidelines. In principle, I am satisfied that the proposed development accords with the broad objectives of the various section 28 guidelines, however the issue of detailed compliance will be addressed in the relevant sections below, including acceptability of design, layout, height, etc.

12.2.11. Compliance with National Policy is also confirmed in the Chief Executive's Report.

12.2.12. I am satisfied that the proposed development in principle accords with national policy.

12.3. **Density**

12.3.1. The proposed development comprising 192 apartments on a 1.77 ha site has a stated density of 108 units per hectare. Having regard to the site size and that open space and roads on site serve the development only, I am satisfied that net and gross density are the same.

12.3.2. A significant number of representations, including those of elected members, have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level for the location given the established low-density character of the area. Submissions state that the density is excessive and represents overdevelopment of the site, without supporting public transport infrastructure and social infrastructure. It is stated by third parties that an appropriate density is 35-50 dwellings/ha.

- 12.3.3. Similar concerns are outlined in the Chief Executive's Report. The Planning Authority state that this is at the high end of what the site can accommodate. The Planning Authority have not specified a particular density and notes that the development complies with the core strategy, RSES and NPF, as well as section 28 guidelines which seek to promote higher densities on suitable sites.
- 12.3.4. Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, are objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development, encouraging increased densities in settlements where appropriate. The site is within the Dublin MASP, and 'consolidation of Dublin city and suburbs' within this area is further supported in the RSES. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.
- 12.3.5. Also of note are Design Standards for New Apartments Guidelines for Planning Authorities (2018) which defines the types of location in cities and towns that may be suitable for increased densities. The current site falls within the category of an 'Intermediate Urban Location', given its location within 1.1km of the Coolmine Railway Station. The guidelines noted that such locations are generally suitable for smaller-scale, higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (this will also vary, but broadly greater than 45 dwellings per hectare net). The guidelines also note that the scale and extent of development should increase in relation to proximity to public transport as well as shopping and employment locations.
- 12.3.6. The site is also approximately a (1.1km) c.12 minutes walk to Coolmine railway station, and less than a 4 minute walk (c.400m) to the no.37 bus stop serving this area and linking it to the city centre. The surrounding local centres and employment opportunities (including Blanchardstown Shopping Centre and Retail Park, Blanchardstown Hospital, Blanchardstown IT, National Sports Campus, Coolmine Industrial Park, Snugborough Road industrial parks, etc) that characterise the Blanchardstown Metropolitan Area and easily accessed on by bike or by bus from the site location (c.3 to 5km from the site). As such, I consider that the site is located in an 'Intermediate Urban Location', having regard to access to public transport (rail and bus) and close to urban services/employment, as defined under the Apartment Guidelines and can sustainably support the increased density level proposed.
- 12.3.7. It is my view that, given the site's location relatively close to Coolmine Station, and Dublin Bus stop, as well as a third level institute and extensive employment

opportunities (albeit c.3-5km from the site), the density is not excessive. I do not consider that a density of 35-50 dwellings per hectare, as suggested by third party submissions, is appropriate in this instance, given the need to deliver sufficient housing units within the MASP, the need to ensure efficient use of land and the need to ensure maximum use of existing and future transport infrastructure. I would also highlight the Chief Executive's comment that *'allowing development to occur on this site would allow a more efficient and sustainable use of city's transport infrastructure than would be likely to occur if housing was not permitted.'* I would further expand that allowing the proposed development at more sustainable densities, would have a greater benefit in terms of sustainability, facilitating the *'more efficient and sustainable use of the city's transport infrastructure'*.

12.3.8. I note third party submissions refer to a previous scheme for the site that permitted a nursing home and that this was a more appropriate development type and scale. The planning policy basis for encouraging increased densities in appropriate locations that I have outlined above, is a more recent context for the assessment of density that post-dates this previous decision referred to by third parties (originally granted in 2012).

12.3.9. I am satisfied that the density accords with relevant national and regional policy and guidance and that it is appropriate for this location, although note that the acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

12.4. Design & Layout

12.4.1. The development comprises five blocks of apartments, generally five storeys in height, although blocks C and D are designed with building footprint being 3 storeys, with the fourth and fifth storey set back to the southern boundary. The blocks are set within landscaped grounds, with a mix of open space amenity areas provided including landscaped podium level, seating areas and play area, with car and bike parking provided at basement level and surface level. The design and layout have been strongly influenced by the retention of a significant level of trees on site, which contributes to the residential and visual amenity of the scheme. I consider the general approach to the layout to be acceptable.

12.4.2. Future proposed pedestrian links to the east and west of the site will provide a greater level of permeability through the site than that which currently exists.

12.4.3. In terms of detailed design, the quality of finish and materials is high. The materials proposed are a brickwork and dark metal cladding for the external facades, with glazing to balconies/roof areas (incl. opaque glazing), which will require little maintenance.

12.4.4. The proposal sets out two options in relation to the front hedgerow boundary, which relate to the proposals for cycle lane along Carpenterstown Road, and the impact of same on the front hedgerow boundary.

- Option A seeks to retain the majority of trees set within this existing hedgerow boundary, infill the boundary with planting and to construct a cycle path within the development. This is the Fingal County Council's preferred option as the current northern boundary planting is considered to add to the character of the area.
- Option B indicates a future cycle route running to the north of the site, alongside the existing footpath. This would necessitate the removal of many of the mature trees. However, replacement planting is proposed under this option.

12.4.5. In both options, the development is set back in behind the front boundary and associated tree and hedgerow planting. While this approach can limit the contribution of the proposal to the creation of a strong urban streetscape, in this instance I agree with the Planning Authority that the existing mature trees within the hedgerow contribute to the character of the area (which is a high value LCA) and as such the design approach can be supported. Option A also accords with their development management objective DMS80 (which seeks to preserve and incorporate trees and hedgerows that demarcate townland boundaries). In this regard, Option A is the preferred option, having regard to the visual amenity value of the northern boundary planting. The implications on cycle lane infrastructure is considered in the relevant (traffic and transport) section below.

12.4.6. There is no or negligible impact related to the visibility or visual impact of the development from the wider area or context. Views of the development are well contained within the site or immediately contiguous. For the most part they will be well screened and where visible I am of the view that they positively contribute to the urban character and architectural quality of new residential development in this urban location. The applicant has endeavoured to maximise screening provided by existing trees and proposes to enhance and infill the various treelined boundaries.

12.4.7. I have also considered the layout in the context of the 12 design criteria set out in s.28 Urban Design Manual – A Best Practice Guide, which the applicant has outlined compliance with, in section 4.0 of the Design Statement submitted. I am satisfied that the applicant has appropriately responded to the opportunities and constraints associated with the site and its environs and the design of the buildings and their siting has evolved (through s.247 and s.5 tri-partite pre-app discussions) in order to better reflect the site's character and the sensitivities of the surrounding properties. The scheme also maximises the unique landscape character of the site, and ensures that the amenity afforded future residents is of an acceptable level, through the design choices made in respect of high levels of landscaping and communal and private amenity areas, retention and infilling of boundary trees and hedgerows, aspect and orientation of units, quantum and location of car and bike parking, bin storage, etc.. I am satisfied that the proposed scheme creates a positive residential environment for future residents, within an acceptable mix of unit types and tenures.

12.4.8. I am satisfied that the proposed development makes a positive contribution to placemaking, legibility, as well as to the urban neighbourhood and streetscape, and in particular in the context of Option A cycle way and footpath on the inside of the site boundary, retaining the townland hedgerow and trees, and that the visual impact is acceptable. I am of the view that the proposed development establishes a positive precedence in terms of placemaking and character and also complies with criteria 3.2 of the 'Urban Development and Building Heights Guidelines for Planning Authorities' in this regard, as well as Urban Design Manual – A Best Practice Guide.

12.5. Height

- 12.5.1. The policy basis for assessment of height of new urban development (including the proposed built form, design and layout) is informed by both national and local planning policy. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provide a detailed national planning policy approach to the assessment of building height in urban areas. It provides 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.
- 12.5.2. In this regard, SPPRs 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, form the policy basis for my assessment here.
- 12.5.3. In principle, there is no issue with the height in terms of compliance with national policy, and there is no specific objective in the Fingal Development Plan against a specific height, therefore the issue of height should be considered in the context of a detailed assessment in respect of any potential impact, and having regard to SPPR3 and criteria 3.2. This will be outlined in full later in the report.

12.6. Visual Impact

Surrounding Residential Area/Properties-

- 12.6.1. The proposal consists of 5 blocks in total (Blocks A to E). Blocks A and B, located to the north of the site, are 5 storeys with the top floor marginally set back. Blocks C and D are also 5 storey with the top two floors set back (approx.6m-10m). These are located to the south of the site. Block E, located to the south-east of the site is 5 storey with the top floor marginally set back. There is an additional set back at 3rd floor level on the east elevation.
- 12.6.2. Concerns have been raised in a number of third-party submissions to the application regarding the proposed scale and height of the development and associated amenity

impacts. Such concerns are also raised in the Chief Executive's Report and by elected members. While the Planning Authority has not raised a specific concern in relation to the height, they have recommended (without specifics) a requirement to redesign and reduce the density and have referenced non-compliance with development management criteria 3.2 of the Heights Guidelines. There are no Development Plan height restrictions associated with the subject site or surrounding area.

12.6.3. The Planning Authority also expressed concern regarding the change in respect of the urban grain of the area as a result of the development. The Planning Authority do not provide details as to the urban grain they are seeking to emulate in the development of this site. Having regard to the pattern of development opposite and immediately surrounding the site, which is generic suburban housing, with limited or minimal retention of original site features, it would in my opinion not be an appropriate or positive built form for this site (where the Parks Dept of FCC has no objection to the proposed built form and supports the retention of trees on site). The proposed development is set within existing mature treelined boundaries and retains and infills further tree planting along the site's boundaries and within the site (incorporating them into the communal open spaces). It is of a density that accords with regional and national policy on a zoned and serviced site within the Dublin MASP and is of a high architectural standard providing a mix of apartment sizes and tenures (with 20 Part V units proposed and integrated seamlessly into the site's design). I would also draw to the Board's attention that there is precedence for this type of development (ie. mid-rise apartment blocks) further east along Carpenterstown Road, as well as within Diswellstown to the rear. This precedence already highlights and demonstrates the change in urban grain to facilitate appropriate densities in line with national and regional policy. I consider that there is precedence for apartment development in the area, and that the proposed urban grain is appropriate to this site and area, and that the design approach is sympathetic to the surrounding built and natural form.

12.6.4. Third party submissions state that the scale of the development constitutes a material contravention of Objective DMS39, which refers to infill development and states that 'New infill development shall respect the height and massing of existing residential units'. However, it is clear from the preamble immediately preceding this development management objective that 'respect' does not mean mirror as the Plan also states 'Where the proposed height (in respect of infill) is greater than that of the surrounding area a transitional element should be provided'. In respect of the proposed development a transitional element is provided by the three-storey part of the apartment block closest to neighbouring residents, before it increases to five storeys. Further transitional elements are provided by the boundary tree planting and separation distances, and the proposed building is not contiguous to existing developments and would not be visible in such a streetscape context. In relation to the issue of a material contravention, I do not consider that the proposal materially contravenes the objective cited above (DMS 39), which states *inter alia* that

development should respect the height and massing of existing residential units. The Planning Authority have not stated the proposal is a material contravention of any policy or objective of the development plan.

- 12.6.5. Concern has been expressed in relation to the height proposed in the context of the established low rise, low density developments adjacent and surrounding (ie. two storey detached dwellings on large plots). Concerns are also expressed at the planning approval process for development on the site, which is suggested to have been piecemeal, setting an undesirable precedent for high density taller developments and lacking consideration of the cumulative impact of the overall development possible on this side of the Carpenterstown Road, with other individual sites adjacent to the subject site potentially coming to the market. From my assessment of the site and the surrounding area, I noted that the adjacent properties appear to be in single residential use, and there was no evidence of these sites for sale or that planning permission was being sought for intensification of residential use on these lands. I am satisfied, that as outlined in the Fingal Plan, in particular as it relates to infill, that each proposal is assessed on a case-by-case basis and should not be seen as establishing a precedence.
- 12.6.6. Of particular concern to those residents within the immediate vicinity is the lack of any visual impact assessment from the rear gardens/windows of houses along Diswellstown Way, as well as the impact along the Carpenterstown Road frontage where the visual assessments and photomontages availed of screening provided by existing trees in leaf/summer visuals only. I am satisfied following my site inspection (which took place in early/mid February 2021) and having regard to photos submitted by residents of Diswellstown Way, that I am in a position to carry out an assessment of the visual impact. To this end, while I accept there will be glimpsed views of the proposed building along Carpenterstown Road, the sylvan character along this side of the road will be substantially retained and the urban form behind the existing and enhanced boundary trees and hedgerows will contribute positively to the character of the area, combining high quality architecture and natural landscape features. Similarly, in respect of existing properties to the east and west, while no CGIs have been submitted from these sites, I am satisfied that the existing boundary trees (including those on adjoining sites) will provide adequate screening and while glimpsed views of the proposed development may arise, that there is no significant adverse visual impact arising.
- 12.6.7. In my opinion, the proposed development is most visible from Diswellstown Way, in respect of those houses that immediately back on to the subject site. While there is an extensive tree lined boundary along this part of the site, I am of the view that the existing planting along this boundary is in sections relatively poor quality and the taller trees are predominantly deciduous in nature, and therefore during winter months the development will be particularly visible. Visibility from elsewhere within the Diswellstown development will be low as the proposed development will be largely screened by the houses within the estate itself.

12.6.8. While I note the high level of visibility of the proposed development to the rear of the houses on Diswellstown Way, I would draw the Board's attention to a number of mitigating factors, namely:

- The houses within this development are relatively recently completed, and as such the principle of future development on the subject site, and associated change in character was established/permitted prior to these residents purchasing their houses/moving in.
- The houses are located within a medium density housing development, and access to these houses is via roads passing three and four storey contemporary apartment buildings (within the scheme) immediately contiguous with two-storey housing, and as such the houses are unquestionably located within an area characterised by medium density/medium height urban development.
- The three-storey height of the gable elevation of the proposed blocks (C and D) is approx. 26m from the rear first floor building line (at the nearest point), in line with the development management criteria set out in the Fingal Development Plan;
- The 4th and 5th floors of the three apartment blocks (C, D and E) are at the nearest point c.32m (and up to c.40m) from the rear building line of first floor windows of Diswellstown Way houses,
- Screening of the upper floors (4th and 5th floors) will be provided in part by the proposed screens and planting on the green roof above floor three – and this green roof area will be accessed for maintenance only.
- The treelined boundary between these houses and the site will be retained and infilled, as outlined in the proposed planting plan.

12.6.9. The change in the outlook to the rear of the houses on Diswellstown Way will be noticeable and, in my view, significant compared to the existing view, albeit not materially different to the character of the view they currently experience from their front windows. The question therefore arises as to whether this change in outlook is reasonable and acceptable. In my opinion, I am satisfied, that given the previous development permitted on site and the nature of development surrounding these houses within this urban context and having regard to the high-quality architectural design of the proposed buildings, separation distances, and level of existing and proposed mitigation by way of planting and screening, that the visual impact is acceptable. I am satisfied that there is no undue impact as a result of potential 'overbearing' associated with the development, for reasons outlined above. I would further note the need for housing, at sustainable densities on zoned and serviced lands.

12.6.10. In respect of potential visual impact for residents opposite the site and along Carpenterstown Road, I am of the opinion that the visual impact will not be significant

and would not be such as would warrant a refusal or further mitigation. The applicant proposes to retain the existing boundary trees and hedgerows as well as some trees within the site, and that the retention of these established and mature tree/hedgerow boundaries along with their infilling as required, will ensure that the character of the area, in particular along Carpenterstown Road is appropriately respected. Carpenterstown Road along its southern boundary will continue to be tree lined, albeit the new vehicular entrances will be somewhat wider and with greater demarcation compared to the existing two entrances. However, I am satisfied that the proposed entrances, and the intermittent visibility of the buildings behind the boundary trees and hedgerow will not unduly impinge on the character of the area. In forming this opinion, I note that the site is zoned, and already has an extant permission for a 151 bedroom nursing home, and that immediately to the south and opposite to the north has changed significantly over the last five years (becoming suburban/urban in nature), and that many of these developments have not retained a treelined boundary. I am satisfied that the applicant, has endeavoured to minimise the impact of the development as viewed from the surrounding area, and that the development does not significantly impact on the value of the LCA (see below) or the properties along Carpenterstown Road.

Landscape Character Area

12.6.11. The applicant has carried out a landscape and visual impact assessment (LVIA), and I have had regard to this document in my assessment. The study area of the LVIA is 1.5km, and as such included the Liffey Valley and Royal Canal (with the Tolka Valley falling outside of the 1.5km study area). These landscape character areas are considered to be of 'High Landscape Value' and as having 'High Sensitivity' in respect of potential visual impact (in the Fingal Development Plan). The subject site is located within the northern boundary of the High Sensitivity Landscape (HSL) zone. Objectives NH33, NH34 and NH36 are of relevance and seek to limit the impacts of development on such landscapes. The corridor of the River Liffey further south is contained within the Liffey Valley Special Amenity Area Order (SAAO). The site is not within this SAAO. I note the applicant's LVIA conclusion that the impact of the proposed development is generally moderate on surrounding residential streets. The LVIA also considers the increased height in isolation, concluding this impact to be negligible or slight.

12.6.12. Having reviewed the material submitted, LVIA, photomontages and detailed drawings, and further to my site inspection (including that of the wider area), I am satisfied that the proposed development comprising 3-5 storey blocks will not have a significant adverse impact on the visual amenity of the surrounding area and in light of any particular sensitivities in the receiving environment, including potential impact Landscape Character Area (LCA) and Liffey Valley, Royal Canal Corridor and to a lesser extent the Tolka Valley. The site outside of its immediate context has limited visibility and where it is visible is seen within the context of the surrounding urban development, and as such does not alter the visual character of the area. I note the

retention and infilling of boundary tree and hedgerow planting and consider this to be a notable, positive and effective mitigation factor.

12.7. Residential Amenity – Neighbouring Properties

- 12.7.1. The development site is bounded to the immediate south by two-storey residential dwellings on Diswellstown Way. To the north, across Carpentertown Road, are two-three storey dwellings at Park Manor and Cottonwood. To the east and west are larger individual properties on large sites (similar to subject site), namely Disfield House and Winterwood.
- 12.7.2. Many of third party submissions received raised concerns in relation to the impact on surrounding residential amenity. Elected Members have also raised concern in relation to same. Potential impacts on residential amenity relate to overlooking and overshadowing. Issues or potential impacts as a result of traffic, or lack of social or physical infrastructure are dealt with under separate specific headings dealing with these issues. This section considers overlooking and overshadowing/loss of skylight.

Overlooking

- 12.7.3. A large number of submissions have raised the issue of overlooking, including overlooking of rooms within existing dwellings and of rear gardens, in particular of those dwellings to the south along Diswellstown Way.
- 12.7.4. Blocks C, D and E are located to the south of the site. Blocks C and D are located c.12m from the wall delineating southern boundary. The top two floors are set further back from the boundary and are located a distance of c.21.4m from this boundary. The distance to the rear of the dwellings at Diswellstown is approx. 26m (from the three storey element of the proposed blocks to the first floor rear windows of the opposing houses).
- 12.7.5. The proposed ground, first and second floor windows (of Blocks C and D) facing the Diswellstown Way houses include the second bedroom, and a second narrow slit window serving the kitchen. Having regard to the separation distance (c.26m), I don't consider there is a need for these windows to be opaque, but the option is available to the Board (similar to that proposed for the fourth and fifth storey). I note and consider it relevant, that the separation distances exceed 22m stipulated in the Development Plan, and generally accepted by the Planning Authority as being reasonable (as per PA permissions/existing development in the area).
- 12.7.6. The top two floors of Blocks C and D, which are 32 to 36m distance from the first floor building line, have opaque windows facing south, and all balconies (floors first to fourth) are provided with opaque glazing to the southern end in order to minimise potential overlooking. Block E, which is five storeys (with only a modest set back at the top floor), is setback 24m-25.6m from the boundary wall, and c.40-42m from the rear opposing windows. Windows on this elevation facing the Diswellstown Way houses include the second bedroom, and a second narrow slit window serving the kitchen. Having regard to the separation distance (in excess of 40m), I don't consider

there is a need for these windows to be opaque. The fourth floor's windows (ie on the fifth storey) are shown to be screened by planting at this level.

- 12.7.7. I consider that the setbacks and as applicable opaque windows/screening as proposed are sufficient to ensure that no material overlooking will result from the development. Separation distances to existing dwellings are in accordance with development plan standards, as provided for in DMS28 (Fingal Development Plan).
- 12.7.8. I note also note the substantial foliage to the southern boundary, which will provide additional screening during the spring/summer months, although I concur with the submissions that this will be less effective in winter months. Additional infill planting is proposed along this boundary, which may include coniferous trees. Notwithstanding the current situation with screening associated with existing trees, and time lag for future planting to take effect, I do not consider that the properties to the south will experience such a loss of privacy as a result of this development to warrant a refusal, and that given this urban location and zoning, some loss of privacy would be expected and is acceptable and is in line with Development Plan standards.
- 12.7.9. Setbacks from the eastern and western boundaries range from 12.6 to 22.5m. The existing residents within these sites have a north-south orientation and are well set back from their own property boundaries, such that the distances to these houses (with Disfield House closest) are c.64m and 34m. I am satisfied, given the orientation of these houses, the separation distances and the established treelined boundary, that no undue overlooking into these houses will occur, and that overlooking to the rear gardens should be minimal and consistent with that expected in an urban/suburban location.
- 12.7.10. I consider that the setback from the properties to the north along Carpenterstown Road (c.36-39m), in conjunction with existing and proposed boundary tree planting, along with the orientation of these houses (east-west), that these properties will not be duly overlooked.
- 12.7.11. To this end, I am satisfied that overlooking to all properties contiguous to the subject site has been minimised and/or mitigated through design, siting, and screen planting and having regard to siting and orientation of existing houses. Overlooking does not occur such as would warrant a refusal or further mitigation (over and above that proposed).

Loss of Daylight/Sunlight/Overshadowing

12.7.12. A Daylight and Overshadow Assessment (dated 11th November 2019) has been submitted with the application. The report and assessment relates to potential impacts as follows:

- Daylight Provision to New Dwellings,
- Overshadowing and Sunlight of Amenity Areas within the Scheme
- Overshadowing of Existing Dwellings.

- 12.7.13. Daylight Provision to New Dwellings and Overshadowing and Sunlight of Amenity Areas within the Scheme is considered below under section 12.8 below.
- 12.7.14. In respect of ‘overshadowing to existing dwellings’ the applicant’s ‘daylight and shadow assessment’ provides analysis through the use of recognised software, plotting the sun path in order to identify the extent of potential overshadowing of the existing gardens associated neighbouring properties. This is further considered below. The report and scope/methodology for analysis is based on BRE 209. The assessment concluded that there will be no impact on the dwellings to the north, and a very limited impact on the existing dwelling to the east of the site.
- 12.7.15. 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 Fingal Development Plan (DMS30), in addition to reference to same 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 and the Fingal Development Plan.
- 12.7.16. 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.
- 12.7.17. In respect of considering the potential impact on existing dwellings, 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 note the concerns of local residents that the shadow analysis/sun path diagram was produced for one day only. However, the requirement (as per BS and BRE guidance) is that the overshadowing tests are carried out for a specific test date, namely 21st March. I am satisfied that the correct methodology and test date was used (and note that the new BS makes no changes to test dates).
- 12.7.18. I note that a number of submissions reference the applicant’s failure to include the existing trees in any analysis. However, the BRE Guidelines state (in section 3.3.9) that “normally trees and shrubs need not be included, partly because their shapes are almost impossible to predict and partly because the dappled shade of a tree is a more pleasant shade than the deep shadow of a building (this applies especially to deciduous trees)”. This was apparent on my site visit, where the existing trees

caused a dappled shadow across the Carpenterstown Road and up to the boundary wall of the houses on the northern side of it.

Loss of Sunlight/Overshadowing

12.7.19. 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.

12.7.20. To this end, in respect of the proposed development, as all of the dwellings potentially effected within Diswellstown are south of the proposed development, it can be confirmed that the new development is situated outside of “90° of due south” of these houses. The proposed development is therefore not considered to cause an obstruction to sunlight, and as such no further tests in respect of overshadowing to these properties is required. I am satisfied that in respect of overshadowing, given the orientation of these dwellings (south of the proposed development) there is no potential adverse impact as a result of overshadowing.

12.7.21. For the remaining properties surrounding the development (ie east, west 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.

12.7.22. I note that in respect of existing poorly lit (or already heavily obstructed) the loss of sunlight should be kept to a minimum. In such instances, the guidelines recommend that the sun hitting the ground in the garden/amenity space should not be 0.8 of that previously enjoyed before the development and should in any event not be less than 2 hours of direct sunlight on the test date (which is always the 21st March, being the equinox). The applicant has used recognised computer software to plot the shadow path for the test date. These are included in the Daylight and Overshadow Assessment submitted. Having reviewed these shadow path diagrams and having received no documentary evidence to contradict these assessments, I am satisfied that they accurately reflect the situation that is likely to exist on the 21st March.

12.7.23. In respect of “Winterwood”, ie. the existing house to the west, the distance of the proposed buildings to this building is c.64m (at its closest point). The proposed buildings are 16.2m at their highest. 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. In respect of the garden, while the applicant’s report provided no commentary in respect of ‘Winterwood’, the sun path diagram submitted (in Appendix D) showed there to be overshadowing to the west (during the hours 07.00 to 10:00 in particular). While it is likely that the existing trees along this boundary

would cause greater shadow during these hours than the proposed development, my assessment is made on the basis of overshadowing only arising from the proposed development. To this end, having regard to the minimal levels of overshadowing (on the test date), the garden size, and location of the house within its site, it is considered that the garden and private amenity space associated with this property will not be unduly impacted by reason of overshadowing as a result of the proposed development, and would receive a minimum 8 hours of unaltered sunlight to the garden and that well in excess of the minimum 50% of the garden would receive 2 hours of sunlight.

12.7.24. Similar to that of the analysis and conclusions in the “Daylight and Overshadow Assessment” submitted by the applicant (see Appendix D) as it relates to ‘Disfield House’ to the east, and the three properties immediately to the north of the site (2 no. in Cottonwood and 1 no. in Park Manor), I am satisfied that the houses directly to the north, ie. in Cottonwood and Park Manor, would not experience any loss of sunlight to their private amenity space/rear gardens and no overshadowing of these gardens as a result of the development arises.

12.7.25. In respect of the house to the east, Disfield House, overshadowing is noted from 16:00 through to 18:00 (and beyond, albeit the tests are required only for daylight hours deemed to be 6am to 6pm (06:00 – 18:00 on the test date/21st March). This level of overshadowing equates to approx. 2 hours out of 12 (from 6am to 4pm) and for approx. 10 hours there is no reduction of sunlight to the garden as a result of the proposed development. There are a significant number of trees along the site’s boundaries and within the property, and these have not been taken in to consideration in respect of the analysis (as inclusion of existing trees is not considered to be necessary, in line with BRE guidance). Having regard to the size of the garden, and the area of garden that continues to receive similar levels of sun for the entire day (ie before the development), I am satisfied that the garden of this property, similar to others assessed will continue to achieve the minimum standard of 50% of the garden receiving more than 2 hours sun of direct sun on the test date, and that the proposed development would not reduce the garden receiving sun to less than 0.8 of its former size (reference section 3.3.11).

12.7.26. 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

- 12.7.27. 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.
- 12.7.28. 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)
- 12.7.29. 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 and the Fingal Development Plan 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.
- 12.7.30. In respect of "Winterwood", ie. the existing house to the west, the distance of the proposed buildings to this building is c.64m (at its closest point). The proposed buildings are 16.2m at their highest (ie. approx.14.7m above the centre of any existing window). Therefore, the distance between the buildings is greater than three times the height above the lowest window (64m > 44m approx.), and as such, daylighting is unlikely to be significantly affected and no further tests are required to assess loss of daylight to this house, as in this case the loss of light will be small/negligible.
- 12.7.31. As noted above, the Guidelines state that if the new buildings are closer than this, than further consideration of the potential impact is required. The surrounding

existing residential development that therefore should be assessed for impacts associated with potential loss of light from the sky are:

- Diswellstown Way
- Houses on Carpenterstown Road (1 no. Park Manor house and 2 no. Cottonwoodhouses)
- Disfield House

Houses on Diswellstown Way

- 12.7.32. There are approx. 16 two storey houses (house types D and D1, no.s 32 to 47 Diswellstown Way ref. FW14A/0066 - numbered, odd numbers only, 39 to 69 following construction) directly south of the proposed development site. Because of the orientation of these properties relative to the site (ie 90° due north), overshadowing is not an impact (as noted above), however, loss of light by reason of the potential obstruction from the proposed development to the sky can still arise. Of the 16 houses directly to the rear of the proposed development site, only half of these are directly facing the proposed blocks, and it is these houses where there is potential for obstruction of sky light from the proposed development. To this end, in determining if there is an impact and the extent of the impact, regard is first had to the separation distance from the existing dwellings and whether any main windows are impacted, and thereafter the height of the proposed building relative to the centre line of any main windows.
- 12.7.33. In terms of distance, I consider it appropriate to measure this in respect of the three storey and five storey elements separately – and note that the distances are c.26m from the three-storey element of Blocks C and D and 36 to 32m respectively in respect of the five-storey element of Blocks C and D. Block E, which is 5 storeys is c.40m-42m from the rear of the properties.
- 12.7.34. In respect of the three storey elements of the proposed buildings Blocks C and D, I am satisfied that these are generally greater than three times the height above the existing lowest window (assuming the centre of any main window at ground floor is approx. 1.5m (for patio doors it is assumed to be 1.6m) above the ground, and the proposed three storey element is c.9.6m – ie. $3 \times (9.6 - 1.5) = 24.3\text{m}$). I note that the existing Diswellstown Way houses to the rear of the development comprise patio doors to the living room, and a high-level window to the kitchen which extends somewhat from the rear building line. I also note that there may be some differences in ground levels (c.1m). Notwithstanding these potential deviations from the general/typical figures, I propose to use generic data as provided for as a guide in the BRE document, to facilitate assessment for the purposes of identifying any possible significant impact.
- 12.7.35. At upper levels (of existing dwellings) this required separation distance would be decreased, as the centre of the window of the main rooms at first floor levels (ie bedrooms) would be c.4.5m (above ground) – and the separation distance required

for the three storey element is therefore $(3 \times (9.6 - 4.5)) = 15.3\text{m}$). There may be some minimal deviation from the above noted figures, however, as noted in the guidance, it is intended as that (ie. 'guidance' rather than mandatory requirements) and I am satisfied that the analysis is generally consistent with the guidance.

- 12.7.36. In respect of the three-storey element of the proposed buildings (Blocks C and D), I am satisfied, that it does not unduly obstruct the windows of the existing dwellings (on Diswellstown Way) whether at ground or first floor, largely by reason of the separation distance and height of the three-storey element. I accept there will be some obstruction of the sky light over and above the existing situation, however, I am satisfied that within this urban context it is not unreasonable or unacceptable.
- 12.7.37. In respect of the proposed five-storey element of the new buildings (Blocks C, D and E, where the height is c.16.2m) a separation distance of approx. 44m would be required to ground floor main windows and c.35m to first floor windows to ensure that the loss of light from the sky would not require further consideration. Again, I would note that typical window heights and similar ground levels are assumed, and although minor deviations from this are noted in the drawings submitted, for the purposes of general identification of significant potential adverse impact, figures used are considered adequate to allow assessment re. potential impacts.
- 12.7.38. In respect of ground floor windows serving the houses on Diswellstown Way directly to the rear of the proposed development, based on the separation distances from the five-storey element of the blocks (C, D and E), there may be some obstruction to the light from the sky entering these properties, that requires further consideration/tests.
- 12.7.39. With the exception of Block D, which will have some impact on up to 4 houses directly to the rear of it on Diswellstown Way (albeit principally no.53, 55 and 57 directly rear of Block D), the remaining main windows at first floor (ie bedroom windows) in Diswellstown Way will not experience significant or unacceptable loss of light from the sky such as would require further consideration.
- 12.7.40. Potential loss of light from the sky in respect of ground floor windows of houses 43-45, 47, 51-53, 55-57, 65, 67 and 69 Diswellstown Way, and first floor windows of 53, 55 and 57 these houses, requires further consideration as the separation distances are not such as would obviate the need for further assessment.
- 12.7.41. In this regard I note that the BRE guidelines consider where a separation distance of less than three times the height above the centre of the main window (being measured) that there may be a potential and unacceptable impact associated with loss of sky light/daylighting to an existing residence and if '...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'. (See figures 14 and 20, BRE 209).
- 12.7.42. To this end, I have assessed the properties along Diswellstown Way at the various separation distances and heights relative to each block (C, D and E), measuring the relevant angles, and I am satisfied that the new development does not materially subtend an angle greater than 25° to the horizontal measured from the centre of the

lowest main window to a living room/bedroom for those houses noted in 12.7.40 (being the worst-case houses). Applying general assumptions re. window heights (as noted in the guidance), and assuming similar floor levels, I would approximate that, in respect of Block D it is measured at circa 24.7° (for houses 55/57, being the worst case), and for Block C it is measured as circa 22.2° (for houses no.43/45, being the worst case). Block C is considered to be sufficiently below the 25° angle, such as would support a conclusion that it would not cause any significant impact regarding daylighting to the properties to the rear of it, notwithstanding that as constructed floor heights and centre points of windows, and separation distances may deviate somewhat from the general figures/estimates used. Block D is considered to be on the cusp of the point at which further consideration would be required. However, I note that the potential impact relates to 3 houses in particular, and that the level of obstruction above the 25° would be minimal (if it arose), and that as such, while I acknowledge there would be some loss of daylighting/light from the sky as a result of the proposed development, that it is not at a level that would be unacceptable (given the considerations noted above). Block E is significantly further set back and is further below the 25° than Blocks C and D. I am satisfied that Block E would not cause any significant impact regarding daylighting to the properties to the rear of it, and the height and separation distances here are appropriate.

12.7.43. The guidance indicates that where the new development does not subtend the centre point of the lowest window by more than 25°, then 'daylighting is unlikely to be significantly affected' and no further tests are required, such as Vertical Sky Component (VSC) test. While I note there may be some deviations in respect of measurements and calculations, I am satisfied that they will not materially alter the general conclusions relating to this issue, ie. that while there will be some loss of skylight as a result of the proposed development, it relates only to a very small number of properties and the potential impact on these properties is not considered to be a significant adverse impact, and not such as would be unanticipated in an urban area (and not dissimilar to other dwellings permitted throughout the Diswellstown development under FW14A/0066). I am further of the view that the applicant has endeavoured to mitigate any potential loss of light from the sky by setting back the proposed development and breaking up the built form of the development in to a series of blocks orientated east-west, so as to allow light from the sky through to properties on Diswellstown Way.

Carpenterstown Road houses

12.7.44. Following my site inspection, I noted that the houses in Cottonwood are gable ended to the Carpenterstown Road, and to the development, and that while there are windows located on these gable elevations, I am satisfied that they are secondary windows to these rooms and are not the main windows (being smaller and not following the principal orientation of the rooms). I have also consulted the planning drawings (F14/0093) and note the house type A/A1 (which would appear to be the relevant house types) have two windows on the front elevation serving this main

room, and patio doors to the rear serving this main room. While internal doors/walls may have been installed by residents I am satisfied that the rooms are served by the larger windows/patio doors on the principle elevations (ie front and rear). Noting the above, I am therefore satisfied that at ground floor level there are no main windows to living rooms to be tested. Windows at first floor level are also considered not to be main windows serving living rooms (ie only windows serving a bedroom), but in any event adequate separation distances apply (ie 36m). In respect of the properties in Cottonwood, I am satisfied that no further tests are required, and that no undue or significant adverse impact as a result of loss of light from the sky should arise.

12.7.45. The third house along Carpenterstown Road, within the Park Manor development does not have main windows along its gable elevation facing the proposed development, although I noted the existence of a landing window at first floor and a conservatory to the rear of the property that has windows on each elevation. As the conservatory has multiple windows on all elevations, with no one main window facing the development, I am satisfied that no further tests are required, and that no undue impact as a result of loss of light from the sky should arise.

12.7.46. In summary, in respect of properties along Carpenterstown Road, I am satisfied that having regard to the orientation of these properties, and the arrangement of rooms and main windows serving them, that the potential loss of light from the sky is not considered to be significant and does not require further assessment. I would also note that having regard to the distance of the properties (circa 36-40m) and the height of the proposed building (c.16.2m), that were there to be main windows on these elevations that any obstruction to sunlight caused by the proposed development would be minimal. Existing property walls and existing trees on the site were noted as the primary source of overshadowing/daylight, although they are not considered to adversely impact the amenity of these properties.

Disfield House

12.7.47. Similarly, in respect of Disfield House, the building's orientation is such that there would not appear to be any main windows serving this house that would result in the room/property being unduly affected by loss of daylight as a result of the proposed development. Access to the grounds of Disfield House was not possible, but from the plans and distant views I am satisfied that the orientation of this house has been correctly identified.

12.7.48. I also note that in respect of Disfield House the new development would not appear to subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (if one were located on the western elevation), given distances and sections submitted. To this end, I am satisfied that no undue impact as a result of loss of light from the sky should arise.

Conclusion re. overshadowing/light from sky on surrounding properties

12.7.49. 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 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.

12.7.50. In respect of loss of light from the sky, I am satisfied, based on my assessment, given the setbacks proposed (in particular along the southern boundary), the separation distances between the proposed development and existing development, absence of main windows on a number of elevations facing the development, that 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 for a small number of houses, in particular on Diswellstown Way, 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, 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.

12.7.51. I note that the applicant did not submit any VSC tests, however, I am satisfied that there is sufficient information on file to allow me to carry out the assessment (having regard to BRE guidance). 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.

12.8. Future Residential Amenities/Residential Standards

Daylight and Sunlight

12.8.1. The Daylight and Overshadow Assessment (dated 11th November 2019) 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 and the Fingal Development Plan. I am satisfied that the target ADF for the new dwellings 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.

12.8.2. 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%. The applicant has argued that for kitchen/living rooms that an ADF of 1.5% is the appropriate target ADF level. 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 and Development Plan). 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, including no north facing single aspect units, I am satisfied that the applicant has endeavoured to maximise the sunlight and daylight to the buildings.

- 12.8.3. There are 530 habitable rooms (across the 192 apartments). A preliminary assessment was undertaken to identify worst-case units. The screening process uses an angular assessment to determine whether or not a window is at risk of losing daylight due to an overhand or obstruction. A total of 348 rooms (65%) were tested, including all potential worst-case units (within 36 dwellings identified at screening stage as potentially experiencing poor daylight levels). I am satisfied given the dispersal of the tested rooms among different blocks and floors, and the inclusion of the worst-case units and additional dwellings on the lowest three floors, that it is reasonable to predict that the non-worse case rooms not tested would pass, given the level of pass where worst case dwellings were included. The 348 rooms tested had a pass rate of 95.9%. Therefore, if one includes the remaining better case rooms, the report states that in relation to daylight provision, that 97.3% of the assessed rooms either meet or exceed the minimum recommended Average Daylight Factor (ADF) levels. It is noted that in respect of some of the kitchen-dining-living rooms (14 in total) that failed the ADF test, they were only marginally below the minimum guidelines. I am satisfied in respect of sunlight/daylight, as measured by the % of rooms meeting ADF standards, that the proposed development adequately meets residential amenity levels for future residents.
- 12.8.4. It is my view, that where the guidelines have not been met (in respect of ADF), the breaches are not material, and as such I conclude that the overall level of residential amenity is acceptable, having regard to internal daylight provision.
- 12.8.5. In addition to daylight within the dwellings, 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 83.9% of the amenity area 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.

Overlooking

- 12.8.6. I note the planning authority's comments regarding the separation distances between proposed blocks (C, D and E). However, I am satisfied that a minimum 22m separation distance is achieved between opposing windows, and that there is no requirement or standard whereby separation distances are required to be measured from opposing outdoor spaces rather than opposing windows. Within the context of the proposed apartment development, I am satisfied that future residents will have adequate privacy within their apartments. Tree planting is proposed between blocks which will future improve the sense of privacy and enclosure for the apartment blocks.
- 12.8.7. I note the assertion in the Chief Executive's report that distances between opposing balconies fall below the prescribed 22m (in objective DMS28). However, DMS28 makes no reference to opposing or other balconies, and 22m separation distance between opposing windows is met.

Communal Amenities

- 12.8.8. The proposal also includes a number of communal residential amenities such as a resident's gym, office and resident's space, located at Ground Level in Block A. I am satisfied that a communal laundry room is not required to serve this development. The proposed amenities are considered to be a positive addition to the scheme and accord with FCC objective DMS34 - Provide in high density apartment type schemes in excess of 100 units facilities for the communal use of residents as deemed appropriate by the Council.

Public and Communal Open Space

- 12.8.9. The total amount of open space is as follows:

- Communal Open Space - 5013 sqm (2,348 sqm surface level and 2,665 sqm landscaped podium).

The open spaces provided comprise play equipment and seating for gathering outdoors, and are centrally located within the scheme, and easily accessible to all future residents and passively supervised being overlooked by the various apartment blocks.

- 12.8.10. Third party submissions have raised concerns as to lack of open space. I am satisfied that adequate communal open space has been provided to serve the future residents on site, and that as this is not gated or closed off from other residents outside of the scheme, and therefore enhances the smaller amenity/play facilities within the immediate area. In addition, I note the extensive levels of open space within walking distance of the site, including Porterstown Park, Royal Canal, etc. and that these areas/public open spaces have the capacity to meet the needs of the future residents. The report of the Parks and Green Infrastructure Division of Fingal

County Council state that the proposed provision of communal/semi-private open space and associated play provision are acceptable. It is calculated that a Public Open Space provision of 0.83 ha is required as per Objective DMS57 of the Development Plan with a minimum of 10% of the site are being provided as public open space. Objective PM53 states that a financial contribution will be required in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable. In this instance, the Planning Authority has requested financial contribution in lieu of the shortfall in Public Open Space provision towards the upgrading of the recreational facilities in Porterstown Park.

- 12.8.11. The communal space provision, as outlined above, complies with the standards as set out in Appendix 1 of the Design Standards for New Apartments (2018). The quality of the open space is high and the communal open space within the development is well overlooked by the residential units and provides sufficient areas of play spaces for children.
- 12.8.12. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces.
- 12.8.13. In relation to public open space, it does not appear that any of the spaces proposed could be defined as a public open space. I accept that any public open space provided would not be viable and would not serve the wider area, and as such a financial contribution as suggested by Fingal County Council, and as per Objective PM53, is appropriate in this instance.

Housing Mix

- 12.8.14. The proposed mix of units is as follows:
- 67 x 1 bed (34.8%);
 - 104 x 2 bed (55.7%) and
 - 21 x 3 bed units (11%).
- 12.8.15. The applicant states that the mix is appropriate and the focus on 1 and 2 bed units will meet market demand and falling household sizes. Approx. 11%, ie. 21 no. 3 bed units are proposed, and while the smaller proportion of the apartment sizes available, it is expected that the demographic for the proposed development will be comprised of smaller households. Having regard to the extensive provision of 3- and 4-bedroom units in this wider area, the proposed development provides a mix and dwelling type not typically available within the area, and therefore redresses the current absence/low level of this typology.
- 12.8.16. The Planning Authority has not raised any objection to the mix.
- 12.8.17. SPPR 1 of the s.28 Apartment Guidelines (2018, as amended) state 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 requirement for apartments with three or more bedrooms. The proposed development therefore complies with SPPR1.

12.8.18. A large number of submissions stated that the current demand is for family sized units and that the proposal should provide a greater mix of units. It is further stated that there is not a large amount of the population in the area looking to trade down to apartments, in particular given the likely price of new apartments. Third parties also consider that the applicant is disingenuous in terms of who the apartments are designed for, stating that if the apartments are for those trading down, then bike parking is too high. The bike parking provision is appropriate in the context of achieving a more sustainable modal split and local and national bike parking standards. I am satisfied that the units and overall development is such as would accommodate a range of age cohorts and household types, including downsizing and freeing up underoccupied larger units in the vicinity, all of which is appropriate in terms of achieving a sustainable mix of household sizes and types.

12.8.19. While I note the comments contained within the submissions, I consider the mix to be acceptable in this instance and is compliant with SPPR 1 as outlined above.

Floor Area

12.8.20. The apartments meet the standards as outlined in the Design Standards for New Apartments. This compliance is noted by the Planning Authority.

Dual Aspect

12.8.21. The applicant has stated that the number of dual aspect units is 106 no. units (54%), which exceeds the policy requirement of 50% as set out in SPPR4 in the Design Standards for New Apartments (2018, as amended). There are no north facing single aspect units.

12.8.22. The Planning Authority noted compliance with apartment design standards.

12.8.23. I am satisfied that the level and manner of provision of dual aspect is appropriate and that all apartments look out on to areas of planting or open space, and as such the amenity afforded the future residents by reason of aspect provided is acceptable.

Miscellaneous Development Standards

12.8.24. I have further considered the development management standards in the Fingal Development Plan and the Guidelines on the Design of New Apartments, and I am satisfied in terms of apartment sizes, floor to ceiling heights, storage provision within apartments, apartments per core, bin storage provision and locations, etc. that the development meets the relevant standards.

12.8.25. The Planning Authority noted compliance with apartment design standards (section 2.2.6 of the Chief Executive's Report).

12.9. Social Infrastructure

School Capacity

- 12.9.1. A large number of submissions have raised the issue of the capacity of surrounding primary and secondary schools, and the impact of the proposed development on same. Errors within the Social Infrastructure and School Assessment Report as relates to schools within the catchment area and capacity of same are highlighted in the submissions. The Planning Authority has also stated that the applicant has not adequately demonstrated the capacity of social infrastructure including schools infrastructure.
- 12.9.2. The Social Infrastructure and School Assessment Report states that the proposed development is estimated to potentially require between 8-47 primary school places. This represents just 0.16%-0.56% of the overall (5,083) existing primary school places identified within the report. Demand for secondary school places was calculated to be between 2 -12 places. The report concludes that this demand is capable of being accommodated within the existing schools in the area. I note that the capacity to serve the demand may be derived by using capacity within the private school places within the area. However, I am satisfied that these schools are used and would serve some households/pupils from within this general area, and as such should not be excluded from the report.
- 12.9.3. The report utilises the average household size (3.06) in the area to generate a demand for school places. The higher figure of 47 primary school places, and 12 secondary school places, includes all of the 2 and 3 bed units and assumes that demand is generated from all of these units. However, it is my view that the demand from the 2 bed units would be significantly less than for the 3 bed units.
- 12.9.4. While I note the comments from third party submissions, in relation to application of national average household size (rather than local household size) to generate demand for school places, given the nature of the proposal, ie an apartment development comprising almost 90% 1 and 2 bed units, I do not consider that the use of a national household size to estimate demand for school places would result in an underestimate of this demand, and further I do not believe that there be any significant shortfalls in capacity such as would warrant or provide a reason to refuse permission in this instance.

Childcare

- 12.9.5. The proposed development includes a 174m crèche facility located on the ground floor of Block A. Having regard to the provisions of the Childcare Facilities Guidelines this is considered sufficient to meet the demand of 34 childcare spaces. While I note concerns that there is a lack of crèche facilities in the area, the proposed development, in particular given the inclusion of a crèche as proposed, will not exacerbate this situation, and may through the inclusion of a crèche on site enhance this service/social infrastructure within this area.

Other Social Infrastructure

12.9.6. The Social Infrastructure and School Assessment Report identifies a wide range of other social infrastructure in the area including sports and recreation facilities and medical facilities. The Planning Authority/Parks Dept have sought a financial contribution to enhance facilities in Porterstown Park to serve the development and wider area. I note also that the site is within walking distance (approximately 500m) from retail and other facilities located to the north-west of the Carpenterstown Road/Diswellstown Road roundabout. I also note that within the wider area amenities such as the River Liffey, Royal Canal, National Sports Centre and Aquatic Centre, as well as Blanchardstown SC and Hospital, etc. I am therefore satisfied that the area and development are well serviced in respect of social/recreational/retail infrastructure.

12.10. Traffic and Transport

Public Transport Capacity

12.10.1. A large number of submissions, as well as the submissions of elected members and that of the Planning Authority, have cited concerns in relation to available capacity on both the commuter rail service to/from Coolmine Station and on the bus service.

12.10.2. The subject site is located within 1.1km of the Coolmine Railway Station, which is on the Maynooth to City Centre (Connolly/Docklands/Pearse) line. There is a reasonable train service at this station with a frequency of up to 4 to 6 services per hour each way during peak times. A bus stop which serves the No. 37 Bus Route (Blanchardstown to City Centre/Wilton Terrace) is located c.400 m from the site. The service from here is relatively frequent, running every 20 mins. I note that there appears to be concerns regarding delays along this route due to conflicts with other traffic notwithstanding that some of the journey is along a 24 hour bus lane.

12.10.3. I note information on the Irish Rail website which details a number of investment programmes designed to increase capacity in the rail network. Of relevance to this line is the City Centre Resignalling Project which will allow more trains to operate on the lines, the Dart Expansion Programme which will deliver DART services on this line, as well as others, which will increase overall capacity. Investment in new rolling stock will provide an overall increase in peak commuter capacity of 34% on routes where they will be deployed.

12.10.4. Other proposed improvements in the locality include provision of a 30 min frequency bus services between Tallaght and Blanchardstown under the Bus Connects Scheme.

12.10.5. A new cycle route is proposed along Carpenterstown Road to link with the wider cycle network as per the GDA Cycle Network Plan. One of the submissions included a letter from Tanaiste Leo Varadkar which indicated the protected funding of €25,000 for improvements of cycle facilities along the Carpenterstown Road to College Road.

12.10.6. While I accept that there are some constraints in public transport and road capacity at peak times which result in issues with and delays to commuting journeys, there are definitive plans in place to deliver additional capacity on the public transport network, and to improve cycle infrastructure, which the proposed development, and the surrounding residential development, will ultimately benefit from. I am of the opinion that the proposed development is at an appropriate density, and ultimately better supports the viability of public transport, ensuring that the maximum number of people live within walking distance of public transport nodes. Having regard to the existing pattern of development within the 1km radii of the rail station, there are limited opportunities to improve and introduce sustainable densities proximate to the rail station and therefore opportunities to do this on such infill sites should be considered favourably, subject to all other relevant considerations. The proposal accords with national policy in this regard.

Car Parking

12.10.7. It is proposed to provide 192 no. resident car parking spaces and 48 no. visitor car parking spaces. This is a car parking ratio of 1 space per unit. Justification for the car parking strategy is set out in the submitted Traffic Impact Assessment (TIA). This cites CSO data that shows high level of car ownership, but states that between 63% and 73% car owners use the car for their daily commute, and many car parking spaces are used for car storage. The TIA states that the overall provision of car parking has had regard to the section 4.22 of the Guidelines for PAs, Design Standards for Planning Authorities, Development Plan standards (for Zone 1 area) and has been decided upon in order to facilitate an appropriate level of car storage and to prevent overspill parking in surrounding estates, but also reflects the need to promote sustainable travel and shift in modal choice, as well as being limited by reason of cost implications of basement construction and retention of trees.

12.10.8. Section 4.21 of the Guidelines states that in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net, planning authorities must consider a reduced overall car parking standard. The provision proposed here is below the maximum standards as set out in the Fingal Development Plan. The Transport Section of Fingal County Council has considered the proposed parking arrangements and levels and has no objection to the level of car parking provided. They recommend a condition as to the reservation of 213 parking spaces associated with residential units and 27 spaces for creche and visitor parking requirements. I have no objection or issue with this arrangement/condition.

12.10.9. I have noted the Transport Sections comments regarding additional car parking that could be accommodated if option B in respect of the cycle way were to be advanced, however, I do not consider this to be necessary. The Transport Section (similar to Parks Section) have indicated a preference for Option A.

12.10.10. A large number of submissions have raised the issue of parking, stating that insufficient car parking has been provided and that there will be overspill parking

onto the surrounding residential housing estates. I do not consider that a car parking ratio of 1 space per unit would result in an overspill of parking in the surrounding residential housing estates, and I note the additional 48 spaces to be provided on site for visitor and overflow.

- 12.10.11. Overall, I consider the car parking provision to be acceptable, given the location of the site, and I am satisfied that the parking levels provided are in accordance with the apartment design guidelines (as per s.4.22) and Fingal Development Plan standards and requirements (as per Chapter 12 of the Plan). I do not consider the proposed development to result in an adverse impact to the surrounding residents by reason of overspill of car parking from the development.

Cycle Parking

- 12.10.12. A total of 352 no. cycle parking spaces are being provided which is 81% of the provision required by Section 4.17 of Design Standards for New Apartments (2018) which require a total of 434 No. spaces (338 resident and 96 visitor). In note that the Transportation section of FCC have calculated the requirement to be 422 spaces. In any event I consider the overall provision appropriate (in particular noting that 352 spaces are provided and that the requirement for residential units is 338 as per the standards and as such the deficit in car parking may relate more to visitor demands which is likely to be lower than provided for in the standards, having regard to the site location and level of car usage that will also take place.

- 12.10.13. The cycle parking significantly exceeds the development plan standards and the PA has no objection to the cycle parking arrangements as proposed, in terms of numbers, siting and design.

It is my view, that where the guidelines have not been met (in respect of cycle parking), the breaches are not material, and as such I conclude that the overall level of cycle provision in particular for future residents is acceptable.

Impact on the surrounding road network

- 12.10.14. A significant number of submissions have raised the issue of traffic congestion and state that the proposal would worsen the situation. The methodology and conclusions of the TIA have also been questioned. A detailed submission was received from a local resident who indicated that they were a TII road safety audit team leader (although TII did not make a similar submission or raise such concerns).

- 12.10.15. The Transport Division of the Planning Authority raise no objection to the proposed development, in terms of its impact on the road network and are satisfied with the methodology and conclusions of the TIA. The PA state that the 'data contained within (the TIA) appears reasonable and sensitivity testing has been carried out in relation to the TRICS assessment for flats (apartments) and house types.

- 12.10.16. The Traffic Impact Assessment considers the impact of the development on the surrounding road network. In summary this concludes that the increase in traffic

as a result of the proposed development is less than 2.5% at all junctions considered during the A.M. peak hour and at all junctions with the exception of Junction 4 (Carpenterstown Road/Bracken Park Drive/College Gate) during the P.M. peak hour. Further analysis of Junction 4 shows a negligible impact on DOS values and queue lengths. The proposed development entrance has been shown to operate well within normal capacity limits without the need for a right-hand lane and will have no negative impact on the operation of the local road network.

12.10.17. While it is evident from the submissions received that there is traffic congestion in the area at peak times, having regard to the limited scale of the proposed development, the mix of units proposed which are predominantly 1 and 2 bed units, the reduced car parking ratio, and to the contents and conclusions of the TIA, I do not consider the proposal would have a material impact on the surrounding road network, in terms of traffic volumes.

12.10.18. I note that since the submission of the TIA, that there has been a drop in traffic movements (nationally, as well as locally) as a result of the current restrictions relating to the Covid-19 pandemic. Further analysis of traffic levels in the area at this time would not provide data that would support third arguments, and I do not consider an update of the data necessary. While the current restrictions are temporary in nature, it is probable that a greater level of home working will occur into the future which may improve traffic and public transport congestion. However, I am satisfied that based on the data submitted, and as extrapolated for the design years, that the road network can support the likely traffic levels generated by the proposed development.

12.10.19. I note that there are a number of issues in respect of the detailed design of the proposed access/vehicular arrangements on site, including ramp levels, radii of access points, safety and separation arrangements for vehicles/cyclists and pedestrians. I am satisfied that these can be dealt with by condition and that this is provided for in the Transport Sections/PA's recommended conditions.

Cycle Infrastructure

12.10.20. As noted above, the proposal sets out two options in relation to the front hedgerow boundary, which relate to the proposals for cycle lane along Carpenterstown Road, and the impact of same on the front hedgerow boundary.

12.10.21. Option A seeks to retain the majority of trees set within this existing hedgerow boundary, infill the boundary with additional planting and to make provision for a future cycle path within the development (on the southern side of the existing boundary). This is the Fingal County Council's preferred option the current northern boundary planting is considered to add to the character of the area (which is categorised as being of High Value and Highly Sensitive). The Chief Executive Report notes that the front (roadside) boundary of the site forms part of the townland boundary between the townlands of Diswellstown and Carpenterstown.

- 12.10.22. The Transport and Parks Divisions have also stated that Option A is the preferred option.
- 12.10.23. Option B indicates a future cycle route running to the north of the site, alongside the existing footpath. This would necessitate the removal of many of the mature trees, albeit replacement planting is proposed under this option. There is no definitive timeline in place for the provision of a cycle path along Carpenterstown Road, although the Tánaiste's letter indicating that funding in the amount of €25,000 was passed on through a third-party submission is noted.
- 12.10.24. Third parties have questioned the location of the footpath/cycleway within the site boundary from an integration and safety perspective. I would acknowledge in many instances the provision of a path that runs directly to the front of the site ensuring its visibility and integration into the wider road network may be preferable in pure transport terms, other considerations must also be applied, such as the preservation of the front boundary, which is supported by Fingal County Council. Option A will still allow for a link to any future provision of a cycle path along the southern side of Carpenterstown Road, which can be incorporated into the adjoining sites were they to become available for development. Option A also establishes the precedence for the retention of the existing treelined boundaries along this section of Carpenterstown Road, which would contribute to the visual amenity and landscape character of the area. It is noted that for the most part the treeline boundary along the northern side of Carpenterstown Road has been removed, making the retention along the southern side all the more important. Should the Board be minded to grant permission, a condition should be imposed requiring Option A to be implemented.

12.11. Flood Risk

- 12.11.1. A Flood Risk Assessment has been included as part of the Engineering Services Report submitted with the application (date 12th November 2019). This states that the site is not considered at risk from coastal or pluvial flooding and is located outside of Flood Zone A and B. The proposed surface water drainage system has been designed to ensure no flooding is experienced during rainfall events up to and including the 1% AEP, including a 10% intensity for climate change projections.
- 12.11.2. The Water Services Division of Fingal County Council states that the submitted FRA is acceptable and in accordance with the Flood Risk Management Guidelines.
- 12.11.3. Having regard to the above and to flood mapping (accessed at floodinfo.ie¹), I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.
- 12.11.4. The issue of flooding would not appear to be a significant concern among third parties. The development is in compliance with FRM Guidelines, and FCC requirements.

¹ Accessed 17/02/2021

12.11.5. I am satisfied that the proposed development will not result in an adverse impact by reason of flood risk, whether on existing or future residents.

12.12. **Site Services**

12.12.1. In relation to site services, an Engineering Services Report (dated 12th November 2019) has been submitted and I have had regard to same. It is proposed to separate the wastewater and surface water drainage networks and provide independent connections to the local public wastewater sewer and local surface water sewers respectively.

Surface Water

12.12.2. The proposed surface water drainage system is to consist of a gravity sewer network that will convey runoff from the roofs and paved areas to the outfall manhole, which will discharge a controlled flow rate to the public surface water drainage infrastructure at Carpenterstown Road.

12.12.3. Temporary underground attenuation is proposed to restrict discharge rates from the development's surface water drainage network to the greenfield equivalent flow rate. SUDs measures include pervious paving, pervious landscaping and green roofs.

12.12.4. I note the submission of Inland Fisheries Ireland in relation to surface water management measures and the need to ensure that these are implemented at construction and operational stages to prevent any pollution of the Liffey Valley Catchment.

12.12.5. No objection has been raised by the Water Services Division of Fingal County Council in relation to the surface water proposals.

12.12.6. Having regard to the above, I consider that the proposed arrangements for surface water are acceptable, subject to conditions.

Foul

12.12.7. The Engineering report noted that there is an existing public 225mm wastewater network at Carpenterstown Road, adjacent to the north western corner of the site and Irish Water have confirmed the existing public wastewater infrastructure has capacity to take discharge from the proposed development.

12.12.8. The wastewater discharge from each block is to connect to a gravity pipe network prior to the outfalling to the existing public sewer to the northwest of the site.

12.12.9. The Water Services Division of Fingal County Council have not raised an objection in relation to foul water proposals and note the statement of design acceptance from Irish Water.

12.12.10. I note the submission from Irish Water stating that network connections can be facilitated. Having regard to the above, I consider that the proposed arrangements for foul water are acceptable, subject to conditions.

Water Supply

12.12.11. It is proposed to connect a 150mm diameter watermain pipe from the development to the existing water main on Carpenterstown Road. There is no objection to this from Irish Water.

12.13. Ecology

12.13.1. A number of submissions have raised the issue of impacts on ecology, including *inter alia* impacts on birds, bats, otters and foxes.

12.13.2. An Ecological Impact Assessment prepared by Enviroguide Consulting (dated November 2019) has been submitted with the application. The report states that it follows the Guidelines for EIA in the UK and Ireland, by the Chartered Institute of Ecology and Environmental Management (CIEEM), 2018. I note that a number of third parties noted that this report was updated in 2019 and as such the applicant may have satisfied the requirements of the most up to date guidance. However, I have reviewed the Guidelines (<https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-Sept-2019.pdf>) and note that, although updated in September 2019 (Version 1.1), that they are still referenced as 'Guidelines for EIA in the UK and Ireland, CIEEM (2018)' as per page 5 of the updated document. I have also referred to CIEEM, 2016, noted in section 2 of Ecological Impact Assessment (EcIA) submitted. I am satisfied that the applicant has prepared the EcIA in accordance with the relevant and updated guidance.

12.13.3. The closest waterbody is approx. 240m from the site, as mapped by the EPA, and is a small unnamed tributary leading to the River Liffey. The habitats recorded on site included improved agricultural grassland, amenity grassland (improved), buildings and artificial surfaces, flower beds and borders, ornamental/non-native shrubs, scrub, hedgerow and treelines. The habitats on site are considered to be of local importance only, with most being of lower value and only the treelines and hedgerows being of higher value local importance.

12.13.4. The key ecological receptors are therefore considered to be hedgerows and treelines, with the highest value hedgerow along the eastern boundary with the mature silver birch having the potential to support roosting bats.

12.13.5. No rare or protected flora were identified within the project site during the site visits. No invasive species are noted on the NPWS database for the site or its environs, and although there are a significant number of ornamental plant species on site, no species listed under regulation SI 477 were found on the site. Cherry Laurel, which is considered a high impact invasive species was recorded in the south-eastern section of the site.

12.13.6. Records from the National Biodiversity Data Centre (NBDC) were reviewed, along with those of the NPWS. As part of the Diswellstown development two badger setts were recorded 200m and 500m from the site. However, these setts were excavated and closed under licence (by NPWS) and the residential development has been completed.

- 12.13.7. No rare or protected mammal species (excluding bats) were directly recorded during site surveys. The habitats on site are considered to be of variable value for mammals. Although not recorded there is potential habitat for hedgehog along the hedgerows on the east of the site. No badger setts were recorded, and it is considered unlikely that there are active badger setts in the vicinity. There are no watercourses on site or woodland. Therefore, there is little or no potential habitat for hare, otter, pine marten, red squirrel, pygmy shrew or stoat within the proposed development site. The report states that the drainage ditch located adjacent to the eastern boundary of the site could ultimately link to the River Liffey which provides a suitable habitat for otter. It is however further noted that due to the densely vegetated nature of the site boundary, the intervening landcover and distance between the drainage ditch and any potential link to the tributary of the River Liffey, and the intervening downstream distance to the River Liffey waterbody, it is considered that any impacts from surface water run-off on otter is unlikely.
- 12.13.8. The mature hedgerows along the eastern boundary offer some potential habitat for woodland mouse, but this area is too small to be of high value. Red foxes were not observed during site visits, although they are likely to be present locally. Similarly, while no rabbit burrows were observed on site, they have the potential to utilise some areas. Brown rat and house mouse are also likely to utilise the surrounding area. Grey squirrels were observed on site. There is little habitat for fallow deer, sika deer, American mink or Siberian chipmunk on site. None of these species are of conservation concern and the potential impact to these species is therefore not further considered.
- 12.13.9. In relation to impacts on habitats as a result of the development, it is noted that the hedgerow and treelines of higher value within the site are proposed to be retained, with protection measures put in place, as detailed in the Arboricultural Method Statement. In relation to mammals, the retention of the hedgerow will limit the impact on hedgehog and other small mammals.
- 12.13.10. The EclA reports notes the importance of bats, and notes that all bat species are listed on the Annex IV of the EC Habitats and Species Directive, and some (including the lesser horseshoe bat) of the Annex II of this Directive. The Directive (including as transposed) ensures that individual bats, their breeding sites and resting places are fully protected. Eight species of bat have been recorded within the 2km and 10km grid squares which encompass the proposed development site (listed in table 10 of the EclA). There are no records of bats for the surrounding 1km grid square (relating to the site). A low level of bat activity was recorded on the Diswellstown site in 2014. However, the lands have subsequently been developed and the habitats there removed.
- 12.13.11. No evidence of roosting bats was recorded during the roost inspection survey of the project site (including within the house and associated outbuildings) although the mature trees along the driveway have the potential to support roosting bats, as do the Poplars to the west of the site. The activity survey found that bat activity

around the site was moderate to high with numerous recordings of Common Pipistrelle, as well as three other bat species (Leisler's bat, Nathusius Pipistrelle and Brown Long eared Bat).

- 12.13.12. In relation to bats, the loss of the house and buildings is considered to be negligible in terms of loss of potential. It is further noted that the retention of the trees and hedgerows will still allow for bat roosting. Notwithstanding the removal of a notable number of trees, the treelined boundaries and boundary hedgerows are generally to be retained and infilled. The retention of the trees and hedgerow will go toward maintaining some bat foraging and commuting habitat. There will however be some loss of some commuting and foraging habitats for locally occurring bats. Impacts from lighting in the absence of mitigation is also noted. The report concludes that impacts on foraging and commuting bats is considered to be slight. If the Board is minded to grant, a condition in respect of timing of tree and hedgerow removal and their replacement, should be included and that augmentation of the boundary trees and hedgerows should commence at an early stage in the construction programme to minimise any potential impact. In addition, a condition regarding the lighting arrangements on site, in particular following the completion and occupation of the development should be agreed, in order to minimise light spill along the site's boundaries where commuting and foraging habitats for locally occurring bats are to be maintained. The details of these arrangements may be the subject of agreement with Fingal County Council Biodiversity Officer and NPWS, as appropriate.
- 12.13.13. A total of 10 species were recorded on the site during the bird survey. Goldcrest and Robin are amber-listed species and are considered to be probable and possible breeders respectively. Herring Gull is a red-listed species but was not recorded in passage over the site and not on the site. The remaining species were green-listed. The majority of birds recorded within the site were associated with the northern and eastern site boundary tree and hedgerow. There will be some loss of scrub, hedgerow and trees, but the majority of this habitat will be retained. Impacts were therefore considered to be slight but it was noted that clearance of vegetation should long be done outside the main breeding season i.e. 1st March to 31st Aug, in compliance with the Wildlife Act 2000.
- 12.13.14. It was considered that the proposed development would not result in any significant cumulative impacts on biodiversity in the area.
- 12.13.15. A series of mitigation and enhancement measures are set out within Section 7 of the report. These include *inter alia* roost inspection survey prior to any felling of mature trees, implementation of a construction method statement, implementation of SuDS measures and measures as contained in the Arboricultural Method Statement. In addition, I would recommend, as it was flagged in the report, details of the lighting plan should be agreed with the Planning Authority or NPWS, where appropriate.
- 12.13.16. Overall, it is concluded that, provided all mitigation measures are implemented in full and remain effective throughout the lifetime of the facility, no

significant negative residual impacts on the local ecology or on any designated nature conservation sites, are expected from the proposed works.

12.13.17. I generally concur with the observation and conclusions contained within the Ecological Impact Assessment and I consider that the issues raised in the submissions, as relate to Ecology, have been adequately addressed.

12.13.18. As stated previously in this report, I remain of the view that there is little evidence to support the comments that there is a meaningful or realistic surface water hydrological connection from the drainage ditch to the River Liffey.

12.13.19. Subject to the recommendations of the Ecological Impact Assessment being carried out, I do not consider that the impact on ecology on site or within the surrounding area will be significant, and is not such as would warrant a refusal of the proposed development.

12.14. Trees

12.14.1. A large number of submissions have stated that the loss of 79 no. trees on the site will have a significant impact, and that the tree survey erred in describing the trees being of lower order values and their removal as 'not significant' impact. A submission has stated the loss of three 3 no. Lombardy Poplars is unnecessary.

12.14.2. A Tree Survey Report (dated September 2019) has been submitted with the application. This states that 163 individual trees were assessed on the site. No trees on site were classified as category A trees. 50 category B trees and 106 category C were recorded. The 3 no. tree groups and 5 no. hedges were graded category C. The three no. Lombardy Poplars were noted and it is stated in the report that these are not long lived trees and have already reached full maturity. It is stated that they are likely to decline in vitality and are not suited to long term retention within a high density environment.

12.14.3. The report confirms that 79 trees and 2 no. hedges will be removed. Significant new tree planting will be undertaken as part of the landscape works to complete the new development. The potential for works to impact on the retained trees is noted and appropriate site/tree protection management is considered necessary. Section 9.2 of the report sets out a series of tree protection measures. The Parks Section of the Planning Authority have no objection to the removal of trees as outlined, and have recommended conditions to ensure the protection and retention of those trees to be retained (and have sought a tree bond).

12.14.4. Subject to the measures as set out in Section 9.2 being put in place, I am satisfied the overall impact on trees will be minimised and is appropriate to facilitate the development of the site in line with national, regional and local policies which support compact growth and accommodation of the majority of population growth within the MASP. The tree protection and additional planting measures can be ensured by way of condition. This will be of particular importance for the eastern and northern site boundary trees and hedgerows.

12.15. Other Issues

Archaeology

12.15.1. An Archaeological Assessment has been submitted with the application. It is stated that a field inspection failed to identify any previously unknown features of archaeological potential but it remains possible that ground disturbances may have an impact on previously unrecorded archaeological features or deposits. It is recommended that a programme of archaeological testing be carried out prior to development. The Planning Authority's archaeologist has submitted a report and supports the approach and mitigation measures proposed by the applicant. I am satisfied that the measures as recommended in the archaeological assessment and as required by the planning authority can be dealt with by way of condition.

Part V

12.15.2. The applicant has submitted Part V proposals comprising the allocation of 20 no units which is 10% of the proposed units. The submitted plans show all of the proposed Part V units within Block D. A number of third party submissions have stated that the Part V units should be 'pepper potted' throughout the development. The Planning Authority has not raised an objection to the Part V proposals. No formal response was received from the Housing Department to the application.

12.15.3. While I note the comments from Third Parties, I have had regard to the lack of objection from the Planning Authority in relation to the Part V proposals, and I consider the proposals adequately address the requirement for Part V provision. Block D, which comprises the Part V units, is centrally located within the scheme and enjoys access to the same communal open space, etc. serving all other units within the proposed development. The building (Block D) is designed to integrate visually with the other blocks. As such I am satisfied that the part V provision is integrated into the scheme. I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

Duration of permission

12.15.4. The submitted cover letter with the application (dated 20th November 2019) states a ten year permission is being sought. While many of the third parties have noted this element of the proposed development, the proposed development has been not been advertised for a 10 year permission, and if this was an integral part of the development proposal it should have been advertised. The proposed development does not include the provision of any significant infrastructure and there are no obvious impediments to the immediate commencement of the development, and similarly it is not of a scale that the construction period would exceed that provided for within a 5 year permission. Strategic Housing Development Legislation is intended to facilitate the delivery of sustainable housing in a fast track manner

(where it accords with the proper planning and development of the area), and as such in the event of any grant of permission, I do not consider it reasonable to permit a 10 year lifespan for the proposed development. Similarly, Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully seeks to ‘increase output of private housing to meet demand’, a permission duration of ten years would not be in accordance with such an objective. In the interests of clarity, and if the Board are minded to approve the proposal, a condition limiting the permission to 5 years should be imposed.

Right of Way

12.15.5. I note the submission on behalf of the owner of the adjacent site ‘Winterwood’ in relation to the stated right of way through this site from this property, onto Carpenterstown Road. The submission states that regard should be had to this right of way and that the plans appear to show planting curtailing it. I note that the application plans show a pathway within ‘Winterwood’ leading up to the application site, I also note that there is a proposed vehicular access proposed along what may be the right of way, and that there is a ‘potential access’ indicated from the application site to the adjoining lands. Planting along this boundary (as is reflected in the plans submitted) does not currently curtail access/right of way between sites. I am therefore satisfied that this issue can be addressed by way of condition, and that the development does not preclude use of this route. In any event, I note the provisions of section 34(13) of the Planning Act which states, a person is not be entitled solely by reason of a permission to carry out any development. To this end, I am satisfied that the owner of “Winterwood” will not be unduly infringed upon.

Public Notices/Application form/details

12.15.6. I note the absence of ‘demolition works’ from application form, as pointed out by third parties. However, having regard to the construct of the ABP application form, there was no requirement to highlight this in the form, and I am satisfied that public notices and application documentation clearly referenced and highlighted this element of the development, and that the public were aware of it. In addition, I would also note that the structures on site are not protected and do not form part of an integrated or contiguous streetscape.

12.15.7. I am also satisfied that there are no apparent or obvious false statements in the EIA screening; and images included in the Landscape and Visual Impact Assessment are accurate and adequate for the purposes of the assessment.

12.15.8. I note that there was no reference to a 10 year permission in the public notices, and while the accompanying letter references this, it would not appear to be an integral part of the development proposal. The permission duration applicable should be five years (as per section 12.15.4).

12.16. Material Contravention

- 12.16.1. I note third party representations that raise concerns that the proposed development materially contravenes the development plan, and without any notification to that effect or material contravention statement, that they have questioned the authority of the Board to determine the application where it materially contravenes the development plan.
- 12.16.2. Issues regarding the provision of gym on the site was raised as a potential material contravention, however I am satisfied that this is ancillary to residential use, and as outlined in section 13.6 of this report, no material contravention applies.
- 12.16.3. Similarly, in respect of RS zoning objective and objectives for infill development, I am satisfied that no material contravention occurs.
- 12.16.4. FCC planning assessment indicates that the proposed development ‘fails to meet the aspirations of Fingal County Council for residential development of this sort’, notwithstanding that they note the development ‘adheres to minimum standards’ as set out in their Development Plan. I am satisfied that the Planning Authority, in the Chief Executives report submitted on 24th January 2020, has not highlighted any issues of material contravention.
- 12.16.5. I have reviewed the policies and development standards of the development plan, and I am satisfied that there is no material contravention of the Development Plan, and the provisions s.37(2)(b) do not apply.

12.17. Chief Executive Recommendation -

Re. Compliance with SPPR3 - Development Management Criteria 3.2

- 12.17.1. The Chief Executive’s Report submitted in relation to the proposed development indicated that the Planning Authority considers the proposal does not comply with SPPR3 in terms of compliance with development management criteria 3.2, and as such should be refused. Other issues raised in the Chief Exec Report are dealt with throughout the assessment, including compliance with development standards, social infrastructure and character and scale of the development.
- 12.17.2. While I have addressed the Chief Executives concerns in respect of the proposed development under the various specific headings, and I am satisfied that compliance with all relevant standards and criteria has been achieved, as the CE has recommended refusal of the development due to its scale and density, and in particular non-compliance with Criteria 3.2 of SPPR3 Urban Development and Building Height Guidelines, for ease of reference and to directly respond to this point, I have pulled out the criteria and indicated how compliance with same is achieved.
- 12.17.3. In this regard I would note that “it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban

locations with good public transport accessibility”. Section 3.1 of the Guidelines requires that Planning Authorities “apply the following broad principles in considering development proposals for buildings taller than prevailing building heights in urban areas in pursuit of these guidelines:

- 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?
- 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?
- 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?

12.17.4. In respect of the proposed development the Chief Executive acknowledges that the proposed development is a zoned and serviced infill site, located in a key urban area designated for the majority of the County’s population growth (being within the MASP of Dublin city and suburbs). The Planning Authority also notes that the proposed development accords with the objectives and minimum design standards set out in the plan, but indicates that despite this the development fails to meet the planning authority’s aspirations for such developments, being of density and scale that they consider excessive for the site. There are no specific density or height restrictions relating to the site or area. However, it is acknowledged that the height proposed is greater than that of the surrounding sites, which are predominantly two and three storey residential units.

12.17.5. SPPR 3 of the Building Height Guidelines states that where a planning authority (including An Bord Pleanála) is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan does not stipulate a particular mandatory height, although the plan includes an objective ‘to respect the established height of surrounding building.....’. The planner’s report which forms part of the Chief Executive’s report states that the proposed development does not comply with criteria in section 3.2. To this end, and to ensure compliance with s.28 guidelines, I have pulled out relevant considerations which demonstrate compliance with the Building Heights Guidelines criteria in section 3.2 here.

12.17.6. The first criterion relates to the accessibility of the site by public transport. As outlined in the site description and context, the site fronts directly onto

Carpenterstown Road. The site is served by bus stop and 24 hour bus lane located within a circa 4 minute walk from the site, providing for bus routes to Blanchardstown and Dublin City Centre with a reasonably frequent bus service along the no.37 route. The site is also approximately a 12 to 15 minute walk (1.1km) to Coolmine railway station. I note that it is intended that the future BusConnects corridor run alongside the site and will further increase connectivity across the bus network. Notwithstanding future transport proposals/upgrades and noting that there may be some capacity issues within the existing public transport infrastructure, I am satisfied for the scale of development proposed, that the site has good existing public transport accessibility to rail and bus services, and that the level of services and accessibility will only improve.

12.17.7. I would further note that the density of the development proposed, when compared with that on many sites within the immediate area (ie low density, two-storey development), is more aligned to the provision of sustainable transport modes, in particular public transport. As such I am of the view that if the development on the site were to match existing density levels it would be contrary to the principles and objectives of the s.28 Guidelines. The development at the density proposed supports the provision and viability of the existing public transport network, as well as its upgrades and enhancement.

12.17.8. This change in density and introduction of apartment developments has already taken place on some sites in the area, including Diswellstown to the south of the site, which includes some 3 and 4 storey apartment blocks; as well as others along Carpenterstown Road (eg. Woodberry/apartment blocks in Bracken Park, approximately 230m to the east of the site) and as such there is precedence and an evolving pattern and scale of development reflecting the principles of compact growth within the MASP and close to employment and services. I am satisfied that national policy supports the height as well as density proposed.

12.17.9. The second criterion relates to the character of the area in which the development is located. The site is not located in an architectural conservation area itself, however I note that it is within the Liffey Valley landscape character area (LCA), which is designated as being of High Value and High Sensitivity in the Development Plan. It should be noted that this designation does not preclude residential development, and this point is supported by precedence in the area, including that of the surrounding sites permitted in 2014 and 2016.

12.17.10. Visual Impact Assessment Report, A Photomontage Methodology Report, as well as associated photomontages, have been submitted with the application and they provide an assessment of potential impacts of the proposed development upon the wider context. The visual impact assessment study area considers a study area of 1.5km radius from the site. The report concludes that the design of the proposed development adequately mitigates against any adverse impact, noting the reductions in height since the pre-app, the setbacks from the boundaries, and the retention of mature trees and hedgerows surrounding the site.

- 12.17.11. In considering the potential impact on the LCA, I have undertaken a site visit of the wider area associated with the site, and considered the following:
- The visibility of the proposed development from the River Liffey and Royal Canal,
 - The visibility of the proposed development from the more immediate general surrounding area,
 - The retention of features of character within the site that contribute to the LCA, and
 - Active management of trees and hedgerows within the site.
- 12.17.12. To this end, I am satisfied that having regard to the proposed mid-height (rather than high rise) nature of the development, in tandem with the extensive existing and proposed tree planting along the site's boundaries, as well as the separation distances and level of existing urban development, the proposed development will not be visible from the River Liffey or Royal Canal, or associated linear parks or amenity area; or from the wider general area (ie unless immediately contiguous). I note there will be limited, intermittent visibility of the development from within the neighbouring housing developments, eg. Diswellstown and along Carpenterstown Road. However, as these views already comprise housing as well as apartments to the fore (in respect of Diswellstown), the character of their view is not materially altered.
- 12.17.13. I also note a number of third party submissions are from residents in these surrounding streets, and the submission of various resident associations and from An Taisce which notes the landscape designation. The Planning Authority has not raised an objection in relation to landscape impacts (on LCA), although have noted the requirement to respect and respond to the character of the area. I am satisfied that the proposed development does not adversely impact on the visual amenity of the area, or the landscape character, and that the development management criteria under section 3.2 have been met and that the applicant has provided adequate justification and documentation to support this assessment.
- 12.17.14. The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to urban design and layout, including contribution of the proposal to the place-making; its contribution to the urban neighbourhood and streetscape; the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage), legibility, etc.. Further to above, I am satisfied that the layout, retention of boundary hedgerows and trees (in particular in respect of Option A cycle and footpath), as well as the buildings' design and materials contribute to place-making and urban form.
- 12.17.15. Having regard to the considerations above, I consider that, in principle the height (density and scale) as proposed is acceptable, having regard to overarching

national policy, and subject to the detailed considerations as set out in the remainder of this report.

12.17.16. Further criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution to housing mix and typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing, ventilation and views. These matters are considered in detail under the relevant headings above.

12.17.17. To this end, I am satisfied that the proposed development will provide increased diversification of housing typology in the area which is currently dominated by low density houses. The incorporation of apartments into the site will therefore be a positive contribution to the mix of typologies in the area.

12.17.18. Further, in relation to Building Research Establishments (BRE) criteria ‘Site layout planning for daylight and sunlight’, assessed in detail within the body of this assessment, I am satisfied that the daylight to surrounding houses will not be materially impacted up on by the proposed development, that the sunlight enjoyed in the rear gardens/private amenity areas of neighbouring properties will generally not be impacted and that where an impact arises that it is slight and generally in accordance with acceptable levels outlined in the guidance document (BRE 209) and thirdly that the sunlight, daylight and views afforded future residents in the proposed apartments is of an acceptable level and as such compliance with the relevant performance criteria is considered to have been achieved.

12.17.19. As provided for in the section 28 Guidelines, I am of the opinion that this is a location and site where higher density can and should be provided, subject to detailed consideration, and where the applicant can demonstrate to the satisfaction of An Bord Pleanála, that the proposed development satisfies the following criteria, as summarised below:

At the scale of the relevant city/town	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	No. 37 bus and Coolmine rail station within c.400m and 1.1km respectively, with service frequency at peak times every 20min approx.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views	Development within a High Value-High Sensitivity LCA. However, (i)boundary trees and hedgerows retained, (ii) scale of proposed development not excessive and not visible within the wider context and from more sensitive receptors, (iii)proposed buildings are of a high architectural standard. No protected

	views, ACA, or other architectural/visual sensitives apply.
Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	LVIA, photomontages, etc. carried out by suitably qualified professionals.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	n/a Contribution in lieu (as per FCC Development Plan requirements/ recommended condition)
At the scale of district/ neighbourhood/ street	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape	Retention and infilling of trees and hedgerow boundaries, and retention of some trees on site, with additional planting proposed. Sylvan character respected and incorporated as applicable. Proposed blocks range in height from three to five storeys to better respect and respond to the existing built environment. Positive contribution made to urban neighbourhood for a new and more sustainable density development within this MASP area.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered	Design comprises 5 blocks (ranging in height from part 3 to 5 storey) within a highly landscaped site, with no long uninterrupted walls, and building materials and form considered to be of high quality and appropriate.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine	The site does not contain public spaces, key thoroughfares and/or inland waterway/ marine frontage.

<p>frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009) complied with.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner</p>	<p>I am satisfied that the proposed development makes a contribution to legibility and includes options to integrate with adjoining sites and wider footpath/cycleway network (providing for potential future linkages), as well as retaining the treelined character along the southern side of Carpenterstown Road. Positive precedence set for remaining possible infill sites.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>The proposed development comprises 1, 2 and 3 bedroom units, and introduces and expands this apartment and smaller unit typology within this area (which is dominated by 3 and four bedroom family size homes). Part V units (within one of the five blocks) are well integrated and sited centrally within the scheme and site. Communal facilities proposed (eg resident’s gym) and creche.</p>
<p>At the scale of the site/building</p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>As outlined in the Assessment, compliance with BRE 209 and BS2008 is generally achieved, and amenity of existing residents and future residents is satisfactorily addressed and maintained</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for</p>	<p>As above and as noted in the DM Criteria in 3.2 ‘Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been</p>

<p>Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</p>	<p>clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.</p>
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered</p>	<p>The proposed development is not considered to be a 'taller building' such that micro-climate issues arise, other than sunlight for communal open spaces, do not arise. Daylight and Overshadowing analysis submitted to demonstrate compliance with standards, as applicable.</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision</p>	<p>The development is not located in proximity to sensitive to bird or bat areas, and AA screening and an EclA have been submitted to demonstrate no significant impact on ecology, and no likely adverse impact on a protected site/species. No bat roosts are noted on site, and no protected birds or other mammals were observed on the site. Retention and enhancement of boundary trees and hedgerows, and mitigation regarding lighting, will assist to minimise and ensure the slight impact to bats.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links</p>	<p>n/a</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>n/a</p>

An urban design statement including, as appropriate, impact on the historic built environment	n/a
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	SEA not required/applicable. EIA and AA screening reports submitted. EclA submitted.

12.17.20. Having regard to the above, and detailed assessment carried out within the Inspector's report, the Board considers that s.3.2 criteria are appropriately incorporated into development proposals, and therefore shall apply the SPPR 3 Strategic Planning Policy Requirement under Section 28 (1C) of the Planning and Development Act 2000 (as amended).

12.17.21. SPPR 3 (A) states that it is a specific planning policy requirement that where;

1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

12.17.22. I am satisfied that this has been carried out and the proposed development should be granted accordingly. I have not noted any material deviation or non-compliance with the relevant development plan objectives.

12.18. Compliance with Statutory Obligations

12.18.1. I have reviewed the submissions made and concerns raised therein in respect of compliance with statutory obligations, and in the interest of clarity and transparency, I can confirm that I am satisfied that the application has met the statutory obligations in respect of the application details submitted.

12.18.2. I am satisfied that other requirements in respect of SHD legislative provisions have been met and that the proposed development was adequately described in public notices, that the relevant prescribed bodies (as stipulated by the Board) were notified, and that sufficient information has been included with the application to enable the Board to assess the impact of the development.

12.18.3. I confirm, as outlined in detail in my assessment above, that the proposal accords with the zoning objective, the Development Plan policies, and FCC Development Management Standards, and as such no material contravention arises. As no

material contravention arises there is no obligation re. advertising same or producing any material contravention statement. The issue of SEA or use of section 37(2)(b) does not arise.

12.18.4. Furthermore, I note that third parties expressed concern that there was no reference to EIA or AA screenings in the Inspector's pre-application reports, Board Order or Direction. I note that section 5 of the 2016 Housing Act relates to SHD pre-application consultation and that EIA/AA screening and scoping is covered under a separate section of this Act (section 7). EIA /AA screening/scoping is not mandatory, and the applicants did not seek to have a screening or scoping determination prior to the making of an application.

12.18.5. I am further satisfied that EU requirements in respect of EIA (Amendment) Directive and Habitats Directives, Aarhus Convention, etc. as applicable and as transposed into Irish legislation have been met.

13.0 Screening

13.1. Environmental Impact Assessment (EIA) Preliminary Assessment

13.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

13.1.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening (Environmental) Report (dated October 2019) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

13.1.3. Item (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:

“10. Infrastructure projects –

(b)

(i) Construction of more than 500 dwelling units

(iv) 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.)”

13.1.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that an EIA is required for:

“Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

- 13.1.5. The proposed development involves 192 residential units and ancillary facilities on a 1.77ha site in an urban area that is zoned for residential use and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017, in that it is less than 500 units and is below the 10ha (that would be the applicable threshold for this site, being outside a business district but within an urban area).
- 13.1.6. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.
- 13.1.7. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.
- 13.1.8. I note third party submissions to the application raise concern regarding the need for an EIA screening of the adjoining site in tandem with the subject site (having regard to its recent sale/purchase) and suggesting that a piecemeal approach has been taken. I accept that the adjoining sites may in time become available for infill residential development, but that at present they appear to be occupied and used as single residential sites, and there are no known pre-application consultations or applications on these sites. Fingal County Council in their Development Plan indicated that each infill site is considered on a case-by-case basis and does not establish a precedence for the type/scale of development that may be acceptable on adjoining sites. As such, I am satisfied that the development need not include as part of the proposal the potential development on adjoining sites, as there is no evidence of such proposed development. Potential cumulative impacts are considered separately in the context of the screening exercise. I am satisfied that there is no requirement to carry out an EIAR based on ‘potential’ development for in excess of 500 units, as there is no such development proposed or planned.
- 13.1.9. I also note third party concerns regarding the inadequate consideration given to the Liffey Valley pNHA, and the Liffey Valley & Howth SAAO (Special Amenity Area Order), the boundary of which are approximately 400m south-east of the site at the closest point. However, I am satisfied that the site is sufficiently removed (by reason of distance and intervening urban development) from these sensitive sites, and other sensitive sites beyond, to ensure that no likely significant effects will result. The

matter of potential impact on the Liffey Valley pNHA, or any other European site is further considered under 'Appropriate Assessment' (refer to section 12.2).

13.1.10. I am satisfied that the applicants have provided sufficient information for a screening assessment to be carried out and that the screening correctly relates to the development proposal. I have completed a screening assessment which considers the development proposed under this current application (as per above/section 12.1. and as per EIA screening form attached separately). As a result of this assessment, I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. The conclusion of this assessment is as follows:

13.1.11. 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 with a zoning RS in the Fingal Development Plan 2017-2023 – the objective to “Provide for residential development and protect and improve residential amenity”, and the vision of RS lands to ‘ensure that any new development in existing areas would have minimal impact and enhance the residential amenity’, and compliance with objectives and development management standards outlined in the Plan,

(c) The existing use on the site and pattern of development in surrounding area;

(d) The availability of mains water and wastewater services to serve the proposed development,

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

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

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

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Archaeological Assessment, Landscape Proposals and Management Plan, Construction Waste Management Plan, Construction Traffic Management Plan, Environmental Management Plan, Ecological Impact Assessment, the Engineering Services Report with appended Flood Risk Assessment, and the Operational Waste Management Plan.

- 13.1.12. I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.
- 13.1.13. I note the lapse in time since the submission of the application and associated documentation and its remittal by the High Court back to the Board, and I am satisfied that the information contained in the application documentation, including that in the EIA screening report, remains applicable and acceptable, for the purposes of EIA screening assessment.

13.2. **Appropriate Assessment**

- 13.2.1. An Appropriate Assessment Screening Report (dated September 2019) was submitted with the application. I have had regard to the contents of same. As above, I note the lapse in time since the submission of the application and associated documentation and its remittal by the High Court back to the Board, and I am satisfied that the information contained in the application documentation, including that in the AA screening report, remains applicable and acceptable, for the purposes of AA screening.
- 13.2.2. This report concludes that the possibility of any likely significant effects on any European Sites arising from the proposed development, whether considered on its own or in combination with the effects of other plans or projects, can be excluded beyond reasonable scientific doubt.

The Project and Its Characteristics

- 13.2.3. See the detailed description of the proposed development in section 2.0 above. This is also detailed in 2.2 of the Screening Report submitted by the applicant.

The Development Site and Receiving Environment

- 13.2.4. The site lies in a suburban/urban location and current land uses in the vicinity are predominantly residential in nature or ancillary urban uses (roads, schools, local shops, etc.). I note the concerns of third parties in respect of the site's description as a 'brownfield site', however, as with the EIA Screening, I am satisfied that the description of the site as 'brownfield' is reasonable – in that the site can be reasonably described as 'a disused site envisaged for redevelopment'², and that for the purposes of the assessments whether a brownfield site or infill site, it does not alter the findings.
- 13.2.5. EPA mapping indicates that there is a small unnamed tributary located approximately 240m to the east of the site, and runs north-south and joins the River Liffey (seg.code:09_1510) approximately 1.44km downstream, south of the Carpenterstown Road.

² www.collinsdictionary.com

- 13.2.6. The development site is not within or directly adjacent to any Natura 2000 site. No Annex I habitats for which European Sites have been designated are noted for the site and no Annex I habitats were recorded within the development site. I would accept and find no evidence to contradict Fingal County Council's biodiversity officer's admission that the inclusion of the front and rear boundary of the site as an Annex I habitat is a labelling error (on Map 15 of the Fingal Development Plan 2017-2023). No Annex II plant species were recorded during the field surveys. No non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were recorded within the development site. One Herring gull, which is a red-listed species was recorded in passage over the site. By reason of the site's location, its environs, and nature and size of the site and potential habitats there in, no suitable habitats or habitats known to be used by any of the red-listed species were recorded on site.
- 13.2.7. I note the lack of evidence of usage by any of the listed SCI/QI species for which any of the European Sites within 15km are designated for, and that amenity grassland or improved agricultural grassland within the development site are not considered to support or act as key ecological receptors, including for SCI species associated with Dublin Bay or other European Sites. No SCI or QI species for which any of the European Sites within 15 km are designated for were recorded during field survey.
- 13.2.8. There are no surface water features within the development site, with the exception of a ditch along the site's eastern boundary. The nearest watercourse is the unnamed tributary (seg.code:09_1510) c.240m from the site that runs to the River Liffey (approx. 1.44km downstream). The River Liffey ultimately discharges to Dublin Bay. No development or alteration to this ditch is proposed as part of this development. Notwithstanding the existence of the ditch along the site's eastern boundary, there would not appear to be any evidence hydrological link to the tributary c.240m from the site, as the site and ditch are separated from this tributary by distance and extensive urban development. Having regard to precautionary principles and to ensure that reasonable doubt is removed, the existence of this ditch is included as a 'potential' source for significant impact in the Appropriate Assessment.
- 13.2.9. There are no features present within the development site (including the ditch referenced above) that would provide suitable habitat for otter. However, it is noted that the River Liffey would provide a suitable habitat for otter. The potential existence and significance of a hydrological connection between the site and the River Liffey was therefore considered. The potential for silt, oil or other pollutants to enter the River Liffey Valley pNHA, through surface water run-off during construction phase of the proposed development, should the drainage ditch link to this watercourse has been considered (and detailed in the EclA). However, given the lack of evidence of a direct hydrological connection (see site description in section 2 of this report), the intervening distance and land cover between the drainage ditch adjacent to the project site and any potential tributary of the River Liffey and the intervening downstream distance between this tributary and the River Liffey, the proposed development (having particular regard to the construction phase) is not considered to

be likely to have a significant effect on the habitat of the otters (in the River Liffey), and therefore I am satisfied, as concluded in the applicant's report, there is no likely significant effect on the otters.

13.2.10. The site is located within the Dublin groundwater body. The status of this waterbody is recorded as good. The site is located within a locally important ground aquifer with ground water vulnerability in the area listed as high. The site will be developed in accordance with the principles of SuDs, in any event (as this is required of all development irrelevant of location). It is not considered that the development will have a likely significant effect on the ground water status of the area.

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

13.2.11. In carrying out the Stage 1 screening, the question to be addressed is 'Is the project likely to have a significant effect, either individually or in combination with other plans and projects, on the European site(s) in view of the site's conservation objectives?' 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).

13.2.12. As outlined in the submitted screening report (prepared by Enviroguide Consulting on behalf of the applicant), I accept their assessment that the possible risks to any European Site relate to:

- Habitat loss or alteration
- Habitat fragmentation;
- Disturbance and/or displacement of species;
- Habitat degradation as a result of changes/hydrological impacts, whether as a result of foul or surface water; and
- Changes in population density.

13.2.13. I have had regard to the potential zone of influence as identified in the submitted Appropriate Assessment Screening Report which identifies the following 7 no. European Sites/Natura 2000 sites within a 15km radius of the proposed development site:

- Rye Water Valley/Carton SAC (001398) – 7.19km from site
- South Dublin Bay SAC (000210) – 11.78 km from site
- Glenasmole Valley SAC (001209) – 12.48 km from site
- North Dublin Bay SAC (001209) – 13.24km from site
- Wicklow Mountains SAC (002122) – 14.80 km from site
- South Dublin Bay and River Tolka Estuary SPA (004024) – 10.14km from site
- North Bull Island SPA (004006) – 13.23km from site

13.2.14. In determining the zone of influence for the purposes of my assessment, 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 (<https://gis.epa.ie/EPAMaps/AAGeoTool>) and having regard to the content and considerations in the applicant's Appropriate Assessment Screening Report.

13.2.15. While I note the 7 no. Natura 2000 sites listed in the applicant's AA Screening Report, in determining the zone of influence, I do not agree with the inclusion of all of the sites identified. I have excluded 3 of the sites (3 SACs) as my assessment has not relied solely on the 15km radius of the project site for their inclusion and I have only included those sites where there is evidence of a source-pathway-receptor link that may give rise to potential for likely significant impacts on the Natura 2000 site. I have also in forming this view considered the qualifying interests (QI)/species of conservation interest (SCI) relating to these sites.

13.2.16. In respect of the Rye Water Valley/Carton SAC (001398), the Glenasmole Valley SAC (001209), and the Wicklow Mountains SAC (002122), I do not consider these sites to fall within the zone of influence of the project, in particular having regard to:

- the lack of any identified hydrological connection or obvious pathway to these sites from the development site.
- the lack of any faunal species listed as qualifying interest for these SACs.

The applicant's Screening Reports notes these attributes. I am satisfied that those European sites where a relevant source-pathway-receptor link exists have been accurately identified in my assessment, and that there are no other non-identified Natura/European sites outside of the 15km radius that are hydrologically connected to the site, and nor are there any faunal species listed as qualifying interest for any other SACs.

13.2.17. I consider that the following sites lie within the zone of influence of the project:

- South Dublin Bay and River Tolka Estuary SPA (004024),
- South Dublin Bay SAC (000210),
- North Bull Island SPA (004006) and
- North Dublin Bay SAC (000206).

13.2.18. The sites listed above are considered to be within the zone of influence due to surface water and wastewater direct or indirect pathways ultimately leading to Dublin Bay, with potential impacts on these sites.

13.2.19. Table 12.2.1: Natura 2000 Sites within 'Zone of Influence' of the Project.

Site code	Site Name	Distance from site	Qualifying Interests/Species of Conservation Interest
004024	South Dublin Bay and River Tolka Estuary SPA	10.2km	<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>
000210	South Dublin Bay SAC	11.8km	<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>
004006	North Bull Island SPA	13.3km	<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>

			Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
000206	North Dublin Bay SAC	13.3km	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]

Potential for Likely Significant Effects on Designated Sites

- 13.2.24. In considering whether the project is likely to have a significant effect, either individually or in combination with other plans and projects, on the above noted European site(s) in view of their conservation objectives, consideration has been given to the construction as well as operational phases.
- 13.2.25. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest.
- 13.2.26. For the North Dublin Bay SAC, specific conservation objectives have been set for the habitats of qualifying interests and they relate to habitat area, community extent, community structure, community distribution, physical structure, vegetation structure and vegetation composition within the qualifying interest (NPWS, 2013).
- 13.2.27. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b).
- 13.2.28. At its closest point, the site is over 10.2km away from the boundary of the Natura 2000 areas within Dublin Bay. However, in terms of possible 'source- pathway- receptor' this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. Because of the distance separating the site and the SPAs/SACs noted above, there is no potential for (i) loss or disturbance of important

habitats or important species or (ii) habitat/species fragmentation associated with the features of interest of the SPAs/SACs, as a result of the proposed development, including potential risk as a result of changes in population/density.

- 13.2.29. As noted previously, there is a drainage ditch on the eastern boundary of the site, in which minimal levels of water were present at the time of my site visit. From a visual inspection on site, it was not evident that this formed an overground/culverted hydrological connection to either the unnamed stream noted above or to another waterbody. While I note the statement of the Planning Authority, and that of third parties, there is no evidence on the application file, or from other relevant sources (including other planning histories on adjoining sites), that this ditch forms either a direct or indirect surface water hydrological connection to the River Liffey. However, following precautionary principles, the AA screening report submitted acknowledges and considers the existence of this ditch when examining potential for likely significant impacts on the Natura 2000 sites.
- 13.2.30. In relation to the construction phase, potential pollutants include silt and chemicals such as hydrocarbons, given that construction works typically generate fine sediments and could also result in accidental spills of oils and other toxic chemicals. While it is unlikely that these would enter the unnamed watercourse that is located 240m to the east, given the lack of an apparent hydrological connection to same, and the distance from the stream to the site, should this happen, it is likely that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out, having regard to the sites' conservation objectives.
- 13.2.31. I am therefore satisfied that given 'the intervening downstream distance to the River Liffey and Dublin Bay, as well as the significant level of development between the site and these receptors and the significant dilution factor in relation to any potential surface water' the ditch is therefore not considered to be a hydrological link to a protected/European site such as could have a significant effect on the identified European site(s) in view of the site's conservation objectives.
- 13.2.32. During the operational phase of the development, the main potential impacts relate to 'changes in water quality' due to surface water run-off and foul water drainage. In relation to surface water, rainwater will either percolate to ground in green areas, or will be collected in gutters/drains and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. There is therefore an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.
- 13.2.33. However, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend WWTP before reaching Dublin Bay. Having regard to the scale of the proposed development and on-going upgrade works to Ringsend ensuring capacity and compliance with EU's Urban Wastewater Treatment Directive (coming on stream in Q1 2021, as outlined below), I am 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.

In Combination or Cumulative Effects

- 13.2.34. 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 increased volumes to the Ringsend WWTP.
- 13.2.35. I note the submission from Inland Fisheries Ireland, and from a number of third parties, in relation to current and future capacity of the Ringsend WWTP.
- 13.2.36. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Castleknock area by Fingal County Council, as set out in the Fingal County Development Plan 2017-2023. 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 sites. I note also the development is for a relatively small residential development providing for 192 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.
- 13.2.37. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment (WWTP) works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.
- 13.2.38. While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP is 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. 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.³

13.2.39. 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 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.

13.2.40. 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.

AA Screening Conclusion

13.2.41. In conclusion, therefore, having regard to the nature and scale of the proposed development on zoned and serviced lands, the nature of the receiving environment which comprises a built-up urban area, the increasing capacity of Ringsend WWTP, the distances to the nearest European sites, and in the absence of either a direct or indirect surface water hydrological connection to the River Liffey such as would constitute a source-pathway-receptor link, 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 any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.2.42. 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.

14.0 Conclusion and Recommendation

The proposed residential, ancillary residential and crèche uses are acceptable in principle at this site with regard to the relevant RS Zoning, which seeks to 'Provide for residential development and improve residential amenity'. The provision of a higher density residential development at this location is desirable with regard its intermediate urban location and its proximity to high frequency transport services. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any

³ <https://www.water.ie/projects-plans/ringsend>

significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

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

15.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Fingal 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 20th Day of November 2019 by Glenveagh Homes Limited care of John Spain Associates, 38 Fitzwilliam Place, Dublin 2.

Proposed Development:

The demolition of the existing 2 storey dwelling and ancillary buildings (c. 1,287 sq. m) and the construction of a residential development of 192 no. apartments (and ancillary facilities) in 5 no. 5 storey apartment buildings, comprising 67 no. 1 bedroom apartments, 104 no. 2 bedroom apartments and 21 no. 3 bedroom apartments (all apartments with balconies or terraces) as follows:

Block A (5 storeys) comprises 38 apartments consisting of 16 no. 1 bedroom, 19 no. 2 bedroom and 3 no. 3 bedroom apartments;

Block B (5 storeys) comprises 41 apartments consisting of 16 no. 1 bedroom, 22 no. 2 bedroom and 3 no. 3 bedroom apartments;

Block C (5 storeys over basement) comprises 46 apartments consisting of 12 no. 1 bedroom, 31 no. 2 bedroom and 3 no. 3 bedroom apartments;

Block D (5 storeys over basement) comprises 31 apartments consisting of 7 no. 1 bedroom, 20 no. 2 bedroom and 4 no. 3 bedroom apartments;

Block E (5 storeys over basement) comprises 36 apartments consisting of 16 no. 1 bedroom, 12 no. 2 bedroom and 8 no. 3 bedroom apartments;

The facilities (at ground floor of Block A) will comprise a creche (c. 174 sq. m), gym (c. 114 sq. m), residential amenity room (c. 40 sq. m) and security office (c. 22 sq. m);

Vehicular access to the development will be from 2 no. junctions onto the Carpenterstown Road (including secondary access [exit only] at western corner of lands in reconfigured arrangement to existing access) - existing access to be closed and planted and relocated to eastern corner of lands on Carpenterstown Road (layout to facilitate future cycle route at northern boundary);

240 car parking spaces (82 surface car parking and 158 basement car parking); 180 no. basement cycle spaces (as well as bin storage and plant/stores at basement level) and 172 surface cycle spaces;

Provision of landscaped areas, circulation, paths, attenuation and all ancillary site development works, single storey ESB substation, single storey bicycle and bin stores, all on a site of c. 1.77 hectares, located on the Carpenterstown Road, Carpenterstown, Dublin 15.

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 an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the Fingal County Development Plan 2017-2023;
- (c) The nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including the rail service from Coolmine Station;
- (d) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018, as amended;

(g) 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;

(i) the nature, scale and design of the proposed development;

(j) the pattern of existing and permitted development in the area;

(k) the submissions and observations received,

(l) the Chief Executive's Report, and

(m) the report of the inspector

The Board 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 Screening

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment 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 on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

Conditions

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

Reason: In the interest of clarity.

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

Reason: In the interests of clarity and in the interests of proper planning and sustainable development.

3. This permission relates to 'Option A' only (relating to the future provision of cycle infrastructure along Carpenterstown Road) as detailed in the plans and particulars lodged with the application.

Reason: In the interest of clarity and in the interest of visual amenity.

4. The developer shall comply with all requirements of the planning authority in relation to the protection of trees. In particular:

- (a) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention as outlined within the submitted tree report.
- (b) A suitably qualified arborist shall be engaged for the duration of the development to monitor site development works and to liaise with the Parks & Green Infrastructure Division of Fingal County Council.
- (c) Before works commence on site, a site meeting must be arranged between Fingal County Council and the appointed arborist to agree tree protection measures.
- (d) All works on trees should follow proper arboricultural techniques conforming to BS3998: 2010 Tree Works – Recommendations.
- (e) A tree bond of €50,000 is to be lodged with the Council prior to the commencement of development in order to ensure that trees are protected and maintained in good condition throughout the course of development. This bond will be held by Fingal County Council for a period of three years post construction which may be extended in the event of possible construction related defects.
- (f) Prior to a request for release of the tree bond, the site arborist shall provide a report on these trees detailing site inspection visits and photographic evidence that tree protection measures as outlined in Section 9.2 of the Tree Report dated September 2019 have been fully adhered to.
- (g) The existing site boundary to the Carpenterstown Road shall be retained and protected in the course of the construction works with a reservation for future footpath/cycle way to be provided inside the boundary in accordance with Option A on Drawing Option A – Indicative future cycle track road cross section code G451 OCSC number 0107A1 revision C01.

Reason: In the interests of proper planning and the protection and provision of amenities of the area.

5. The developer shall comply with the following:
 - (a) No development shall take place within the space between the existing road side kerb edge on Carpenterstown Road to the back of the proposed cycle path on the preferred Option A proposal that would prejudice the provision of any future pedestrian and cycle network.
 - (b) A maximum of 192 spaces shall be reserved for the exclusive use of the residential units and the remainder of the parking provision shall be reserved for the use of crèche and visitor parking requirements.
 - (c) The roads, cycleways and footpaths shall be constructed in accordance with the Council's standards for taking in charge.
 - (d) All parking areas serving the apartments shall be provided with ducting for electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for,

the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (e) All of the car parking spaces, with the exception of visitor/creche parking, shall be let/sold with the residential units and shall not be sold or let separately or independently;
- (f) Details regarding on site provision for future pedestrian access and/or maintenance of any right of way to adjoining sites to the east or west, shall be submitted to the Planning Authority for their written agreement,
- (g) All works shall be carried out at the expense of the developer in accordance with the specifications and conditions of Fingal County Council.

Reason: In the interests of clarity, road safety and the proper planning and sustainable development of the area and the promotion of sustainable transport.

6. Prior to commencement of development the developer shall submit, for the written agreement of the Planning Authority, a schedule of Ecological Mitigation Measures, as detailed in Section 7 of the Ecological Impact Assessment (dated November 2019) submitted with the application. The schedule shall set out the timeline for implementation of each measure and assign responsibility for implementation. All of the mitigation measures shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

7. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority prior to first occupation of the units.:
- (a) Public lighting throughout the development (having regard to the views of Fingal County Council's biodiversity Officer); and
 - (c) The operating hours of the proposed crèche and resident's gym,

Reason: In the interests of visual and residential amenity, and to minimise potential light disturbance for foraging bats.

8. A glazed screen shall be provided to the south of the balcony to apartment 4.3E on the 4th floor. Access to roof garden areas for blocks C, D and E shall be before maintenance only.

Reason: In the interests of residential amenity.

9. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external

facades, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

10. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. Planting along the site's boundaries may be required at an earlier stage where associated with EclA mitigation measures. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

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

Reason: In the interest of visual amenity.

12. 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.

13. Proposals for the development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the

development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

15. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

16. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and water quality.

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

Reason: In the interest of public health.

18. All mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

Reason: To minimise flood risk and in the interest of proper planning and sustainable development of the area.

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

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

Reason: In the interest of public health.

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

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

21. 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. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed SuDS measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements. 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.

Reason: In the interest of sustainable waste management.

22. Site development and building works shall be carried out only between the hours of 07:00 to 19:00 Mondays to Fridays inclusive, between 08:00 to 14:00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

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

25. The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

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

26. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development.

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

27. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site, co-ordinate all the mitigation proposals contained in the archaeological assessment and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

28. 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.

29. 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.

30. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the provision of public open space in the area. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

31. 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.

Rachel Kenny, BE(Civil), MRUP, FIPI
Director of Planning Operations

23rd February 2021

Appendix A – List of Observers

1. Ahmed Aghan
2. Alan & Celia Larkin
3. Alan & Marina Geraghty
4. Alice Croffy
5. An Taisce
6. Ann & Declan McDarby
7. Anne-Marie Enright
8. Anne-Marie Geraghty Brazier
9. Anne-Marie Mullen & Conor McDonagh
10. Aoife McCarthy
11. Asma Sahibzada
12. Barry Redfern
13. Ben Dunne
14. Billy & Karen Foley
15. Bramley Wood Residents Association
16. Breda & Gerry O'Regan
17. Brendan Byrne
18. Brian & Veronica Sheridan
19. Caihua Liu
20. Carlos Martinez
21. Cathal Gildea
22. Catherine Keelan
23. Celine Dowling
24. Chen Liang Bao & Li Ping Chen
25. Chris Quinn & Barbara O'Neill
26. Clara Lucey
27. Cllr Emer Currie
28. Cllr Roderic O'Gorman
29. Cllr Ted Leddy
30. Colette & Paul Reid
31. Colette Quinn
32. David & Caroline Nolan
33. David Byrne
34. David Condrón
35. David Hegerty & Ruth Adams
36. David Murray
37. Dessie Kearney
38. Diarmuid Delaney
39. Diswellstown Manor Residents Association
40. Don Collins & Ailbhe Cunningham
41. Donal & Geraldine Rigney

42. Edward Mac Manus
43. Elaine Moore
44. Elisa Del Canto & Manuel Natali
45. Emma & Gerald Doyle
46. Eoghan Toomey
47. Eoin Tracy
48. Fiona & Alan Miley
49. Gary Turley
50. Gayle Briody
51. Geraldine Brennan & Noel Mooney
52. Geraldine Casey
53. Gerard P. Monaghan
54. Grace & Fred Hickey
55. Howard Mahony & Jack Chambers
56. James Sharman
57. Jennifer Benson
58. Joan Burton & Cllr John Walsh
59. Joel Dupont & Maritza Martinez
60. John & Mary Power
61. John Keelan
62. John Levesley & Deirdre Ashe
63. Justin Byrne
64. Karen Barrett
65. Kevin Bourke
66. Kevin Bowler
67. Kevin Duggan
68. Kim McCarthy
69. Laura Byrne
70. Liam O Flannagain & Sally Palmer
71. Lorraine Duggan
72. Mairead Cotter
73. Marian & Nick Boland
74. Marian & Paul Byrne
75. Mark Higgins
76. Mark McMenamin, Riverwood Residents Association
77. Martin Clohessy
78. Mathieu Fragniere
79. Maurice FitzGerald
80. Meng Qi
81. Michele McDonald
82. Michelle Manning
83. Mohan Mugawar
84. Mr & Mrs Landais
85. Mulberry Residents Association

86. Niall Godfrey & Grace Godfrey
87. Niall Jordan
88. Niamh & Leonard McAuliffe
89. Niamh Moynihan
90. Nicola Brophy
91. Noel & Una Gildea
92. Olivia Quinn
93. Patrick McCarthy
94. Patsy & Patricia McGinnell
95. Paul & Catraoine Leonard
96. Paul O'Rafferty
97. Paula & Joe Robinson
98. Peadar & Hillary Andrews
99. Peadar Andrews
100. Peter Kellett
101. Peter Laidler
102. Philip Thompson & Sarah McFadden
103. Qiushui Yu
104. Richard Hill & Catherline Cody Hill
105. Robert Greene
106. Ron Doyle
107. Ruaidhri Coyne
108. Sarah Gannon & Gordon Park
109. Silvío Rabbitte
110. Sinead Murphy
111. St. Patrick's National School Diswellstown
112. Sue Hill
113. Sue Thompson
114. Tony & Irene Prenderville
115. Tony Hallahan
116. Tony Spratt
117. Vera Cunnigham
118. Will & Audrey Mahony
119. Wolfram Schluter & Olivia Flannery
120. Woodberry Residents Association
121. Xiang Li & Gary Coleman
122. Xiaofei Ben & Zijing Hao
123. Yan Li
124. Yang Zhang & Li Yin
125. Yanyi Wang