



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-309658-21**

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#### **Strategic Housing Development**

Demolition of existing buildings,  
construction of 171 no. apartments,  
creche and associated site works.

#### **Location**

Former CHM Premises, Ballymount  
Road Lower, Walkinstown, Dublin 12.  
([www.formerchmpremises.ie](http://www.formerchmpremises.ie))

#### **Planning Authority**

South Dublin County Council

#### **Applicant**

AAI Walkinstown Ltd.

#### **Prescribed Bodies**

1. Irish Water
2. Dublin City Council

#### **Observer(s)**

1. Ashling and Stephen Mccoy
2. Bridget Boyd
3. Carly Bailey
4. John and Joan Collins
5. John O'Brien
6. Rose Reilly

#### **Date of Site Inspection**

18<sup>th</sup> May 2021.

**Inspector**

Karen 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. The site is located at Ballymount Road Lower, Walkinstown, Dublin 12. It is within the functional area of South Dublin County Council and adjoins the administrative boundary with Dublin City Council. The site is 6 km (approx.) south west of Dublin City Centre and 4 kilometres (approx.) north east of Tallaght Town Centre. The site is at a transitional location with housing to the immediate east and north and a mixture of industrial, warehousing and retail warehousing uses to the west and south. The Walkinstown roundabout is c. 230 metres to the east of the site.
  - 2.1.1. The site (c. 0.93 ha) is enclosed by concrete walls to the sides and rear, contains disused warehouse / factory buildings, an open yard area and a gas substation in the south-east corner. There are no significant level differences on site with a variation of c. 2 metres between the north-west and south-west end. The site fronts onto Ballymount Road Lower which sits above the level of the site. To the north and east the site is bounded by the rear gardens of two storey dwellings in Walkinstown Park (north) and Walkinstown Crescent (east) which sit below the level of the site (c. 2-2.5m drop). There is mature planting along the northern and eastern site boundaries. To the west the site is bound by industrial / commercial premises.
- 2.2. Ballymount Road Lower has a two lane carriageway with footpaths on either side. The site is adjacent to urban bus services on Ballymount Road Lower (56a) and is within walking distance (5 minutes or 400-500 m) of high frequency urban bus services on the Greenhills Road / Walkinstown Road (Dublin Bus 27 and 77A routes). The proposed Bus Connects Route No. 9 Tallaght to Dublin City Centre will also run along the Greenhills Road / Walkinstown Road with stops proposed within 500 metres of the site. Kylemore Line Luas Stop (Red Line) is c.1,000 metres to the north of the site (c. 1.2 km walking distance).

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of the demolition of existing buildings and construction of a residential development comprising 171 no. apartments, communal residential floorspace, café, creche and associated landscaping and public realm improvement works and all ancillary site works.

3.2. Key Details:

<b>Detail</b>	<b>Proposal</b>
No. of Units	171
Other Uses	Creche - 259.8 sq.m & outdoor play area; Café 106.8 sq.m
Communal Facilities	Gym (182.5 sq.m), Communal Meeting Room & Lounge Area (291.8 sq.m).
Site Area	0.9308 ha
Density	183.7 units per ha
Plot Ratio	2.32
Coverage	50%
Building Height	1-8 storeys
Open Space	2,895 sq.m public and communal open space <ul style="list-style-type: none"><li>- 1,476 sq.m podium,</li><li>- 1,326 sq.m linear park,</li><li>- 93 sq.m playground.</li></ul>
Car Parking	69 spaces
Cycle Parking	384 spaces

3.3. A priority controlled vehicular junction is proposed onto Ballymount Road Lower at the western end of the site which will tie into a proposed access street comprising a

5 m wide carriageway, parallel parking spaces and a 2m wide footpath. This route will provide for vehicular access to the under podium car park and provide for refuse truck / emergency vehicle access through the site.

3.4. Breakdown of unit types:

Unit Type	No.	%
Studio	2	1.2%
1-Bed	59	34.5%
2-Bed (3 person)	14	8.2%
2-Bed (4 person)	89	52%
3-Bed	7	4.1%
<b>Total</b>	<b>171</b>	<b>100%</b>

#### 4.0 Planning History

**SD17A/0102:** SDCC granted permission for demolition of existing buildings and construction of a 3,490sq.m food store, café and two retail units of 255sq.m and ancillary works. The proposal included relocation of vehicular access to / from Ballymount Road and 99 no. car parking spaces.

#### 5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 2<sup>nd</sup> December 2020. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Principle of development (REGEN Zoning) and need for a Masterplan.
- Development Strategy (building height, bulk, scale and mass; architectural treatment; and visual Impact.

- Connectivity and Place Making.
- Residential Amenity (open space; aspect of units; access to daylight and sunlight).
- Site Services.
- Other Matters.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

## 5.2. Notification of Opinion

5.3. The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that specific information should be submitted with any application for permission summarised as follows:

- Statement of consistency to address prematurity and consistency with local planning policies having regard to REGEN zoning and Policy Objective CS6 SLO 1 (Subject of Variation no. 3).
- Material contravention statement where proposed development materially contravenes Development Plan other than in relation to zoning.
- Visual Impact Assessment – address scale and massing in the context of the transitional nature of the receiving environment and views along Ballymount Road.
- Report on building materials and finishes.
- Housing Quality Assessment.
- Report on residential amenity of existing and future residents, specifically with regards to potential overlooking, overshadowing and overbearance.
- Daylight and Shadow Impact Assessment.
- Clarification in relation to Irish Water issues.
- Landscaping drawings.



- A full response to matters raised in the PA Opinion and in the appended City Council report, including a response to matters raised by the PA's Transportation Section.

#### 5.4. Applicant's Response to Pre-Application Opinion

5.4.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- Design changed in response to tripartite meeting. Reduction in scale of apartment blocks on eastern end resulting in reduced number of units (180 no. units to 171 no. units).
- Change in housing mix with omission of 3 no. 1 bed units, 4 no. 2 bed units and one additional 3 no. bed unit.
- Modifications to gables and glazing along eastern boundary and addition of winter gardens glazing to balconies along the western boundary.
- Redesign at ground floor to ensure enhanced passive surveillance of the linear park. Addition of café and relocation of substation to increase active street frontage along Ballymount Road Lower.
- Improvements to access, permeability and the inclusion of a cycle lane along Ballymount Road Lower to deliver on planned objectives for dedicated cycle infrastructure.
- Submitted documents include: Statement of Consistency addressing consistency with local planning policy including REGEN zoning and SLO CS6 1 as varied; Material Contravention Statement submitted; Townscape and Visual Impact Assessment submitted, Architectural Design Statement addresses materials and finishes; Housing Quality Assessment submitted; Architectural Design Statement addresses amenity and drawings include levels and cross-sections; Daylight Reception and Sunlight / Shadow Analysis reports submitted; Engineering Services Report and drawings address connection to water and drainage infrastructure; IW Statement of Design Acceptance included; Landscape Design Strategy and Masterplan and

External Public Lighting details submitted; and full response to matters raised by the PA and in appended Dublin City Council comments addressed across the various architectural, landscape, engineering and transportation reports.

## 6.0 Applicant's Statement

6.1. 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, the County Development Plan and regional and national planning policies. The following points are noted:

- Consistent with Rebuilding Ireland - Pillar 3 Build More Homes.
- Consistent with strategic aims of NPF including objectives in relation to the location of population growth; consolidation and regeneration in built up areas; supporting sustainable travel; and quality of design and placemaking.
- Consistent with the RSES. Under Chapter 5 Metropolitan Area Strategic Plan (MASP) site is in the 'City Centre within the M50' area and in the Ballymount / Nass Road Strategic Development Area. Consistent with policy for compact growth within the MASP and for consolidation and re-intensification of infill and brownfield sites.
- Consistent with Sustainable Urban Housing: Design Standards for New Apartments, 2018. Site is in a central / accessible urban location that is suitable for higher density development – proximity to employment in Ballymount Industrial Estate, within 1,000 m of LUAS, and c. 450m from high frequency bus services. Complies with SPPRs and standards set out in the guidelines (HQA refers).
- Consistent with Building Height Guidelines 2018. SPPR1 supports increased building height in urban locations with good public transport accessibility. SPPR3 allows for increased building heights where there are conflicting objectives in the development plan. PA opinion concluded that criteria for increased building height (S3.2) are met. Proposal has taken adjacent

residential development into consideration. Statement sets out details of compliance with DM criteria in Section 3.2 of the Guidelines.

- Consistent with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual. Statement sets out details of how 12 Criteria for design are met and further detail in the Architectural Design Statement.
- The development complies with DMURS – refer to Traffic Impact Assessment.
- Consistent with Childcare Facilities Guidelines and Apartment Guidelines and Circular PL3/2016. 25 no. childcare spaces proposed. Statement of Childcare Provision prepared by HW Planning. Proposed creche complies with guidance in the Universal Design Guidelines for Early Learning and Care Settings 2019 (published by the Minister for Children and Youth Affairs).
- The site is outside of the referral zones for Seveso sites in the area.

#### SDCC CDP 2016-2023

- Site zoned REGEN with an objective “to facilitate enterprise and / or residential led regeneration”. Core Strategy promotes consolidation and sustainable intensification of development east of the M50 and south of the River Dodder and regeneration of underutilised REGEN zoned lands for enterprise and / or residential. Core Strategy housing target of 9,620 units in Consolidation Areas within the Gateway and site identified under housing capacity lands in Map 1.3.
- Opportunity to start regeneration along eastern edge of Ballymount Road Lower, abutting existing residential and close to local centre and close to public transport.
- Policy CS6 SLO 1 relates to preparation of a masterplan. Process has commenced. Proposed development progressed in consultation with PA and would not prejudice the masterplan process for the Naas Road / Ballymount REGEN area. PA concur with this view.

- Consistent with Housing policies 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 (inc. associated objectives) relating to the development of sustainable communities; urban design quality; residential densities; building heights; mix of dwelling types; design and layout; public, private and semi-private open space; internal residential accommodation; and privacy / security.
- Consistent with Transport and Mobility policies 2, 3, 7 (inc. associated objectives) relating to supporting public transport provision; walking and cycling; and car parking.
- Consistent with Green Infrastructure policies 2 and 6 (inc. associated objectives) relating to protecting hedgerows and ecological features and providing links into the wider GI network.
- Design Statement addresses relevant design criteria in Chapter 11 Implementation. Requirement for design statement met (S 11.2.1). Dwelling standards generally met – save for storage areas in a number of units (S 11.3.1).
- Consistent with Community Infrastructure policy in relation to childcare provision.
- Consistent with Infrastructure & Environmental Quality Policy 3 Objective 3 (Flood Risk) and Policy 6 on Major Accidents.

## 7.0 Relevant Planning Policy

- 7.1.1. 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 following policy and guidance documents are relevant:

### **National Planning Framework (2018)**

The National Planning Framework provides an overarching policy and planning framework for the social, economic and cultural development of the country. The NPF sets out 75 no. National Policy Objectives including the following:

- NPO 2a is that a target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- NPO 3a is that 40% of new homes would be within the footprint of existing settlements. NPO 3b is to deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 6 is to regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- NPO 13 is that in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities.
- NPO 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.
- NPO 35 is to increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **Regional Spatial and Economic Strategy (2019)**

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands area (adopted June 2019) provides a framework for development at regional level. The application site has been included within the Dublin Metropolitan Area (MASP)

and is therefore part of the area identified for ‘consolidation of Dublin City and suburbs.’ Site is part of the Ballymount / Nass Road Strategic Regeneration Area.

### **Section 28 Guidelines -**

- Sustainable Urban Housing: Design Standards for New Apartments (2018 and updated 2020).
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- Design Manual for Urban Roads and Streets (2013).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (2009).
- The Planning System and Flood Risk Management (including associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

### **7.2. South Dublin County Council Development Plan 2016-2022**

The South Dublin County Council Development Plan 2016-2022 is the relevant statutory plan for the area. The following provisions are considered to be of relevance:

- Zoning Objective ‘REGEN’ with an objective to ‘facilitate enterprise and/or residential-led regeneration’.
- Site forms part of the ‘Consolidation Areas within the Gateway’ and is identified on map 1.3 as a housing capacity site. Variation no. 3 replaced the Core Strategy Table 1.9. Core Strategy housing target of 9,620 units in Consolidation Areas within the Gateway.
- Policy CS1: To promote the consolidation and sustainable intensification of development to the east of the M50. Related objectives seek to promote and support high quality infill development; and to promote and support the regeneration of underutilised industrial areas in REGEN zoned areas.
- Policy Objective CS6 SLO 1 (as per adopted Variation No. 3): “To initiate a plan led approach to the sustainable regeneration of the brownfield lands in the Naas Road / Ballymount REGEN zoned lands. The plan led approach will

include the preparation of a masterplan in 2019 with a view to preparing a Local Area Plan or other appropriate mechanism for the Regeneration (REGEN) and Local Centre (LC) at Walkinstown zoned lands. The masterplan will provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The spatial planning of the area will be informed by the Naas Road Framework Plan (2010).

- Policy H9: It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.
  - Policy H9 Objective 1: To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.
  - Policy H9 Objective 3: To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).
  - Under Section 11.2.7 appropriate min-max height to be determined by: the prevailing building height; proximity housing (adjoining existing 1-2 storey housing no more than 2 storeys unless separation of 35 m or more); the formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space; and the proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.
  - Policy H9 Objective 4 / UC6 Objective 1: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.
- Policy ET2: It is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban

centres and transport nodes and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.

- ET2 Objective 2: To support proposals for more intensive compatible enterprise and/or residential led development on lands designated with Zoning Objective 'REGEN', subject to appropriate design safeguards and based on a traditional urban form that adhere to urban design criteria.
  - Section 11.2.4 refer to: need for connectivity and linkage to avoid isolated and piecemeal pockets of residential development, avoid residential development at ground floor level adjacent to busy roads / roads with significant HGV movements; precautions to ensure that environmental impacts from established industrial uses (noise, air, nuisance) do not exceed acceptable environmental standards; and possible need for improvements to surrounding road and street network.
- There are 3 registered SEVESO sites in proximity to the site. The subject site is located outside the stipulated risk zones and consultation radii for all of the aforementioned SEVESO facilities.
- UC6 Objective 1: To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing.
- Chapter 6 sets out policies and objectives on Transport and Mobility; Chapter 7 sets out policies and objectives on Infrastructure and Environmental Quality; Chapter 8 sets out policies and objectives on Green Infrastructure; Chapter 10 sets out policies and objectives for Energy.
- Chapter 11 Implementation sets out development management standards, including standards for REGEN zoned lands, for residential development and relating to car and cycle parking.



## 8.0 Third Party Submissions

8.1. A total of 6 no. third party submissions have been received from residents of the area. The key points raised in the submissions can be summarised as follows:

- Overbearance. Scale injurious to residential and visual amenities of adjacent properties.
- Overdevelopment of a restricted site.
- Sunlight / Daylight Impacts. Failure to meet BRE Guidelines.
- Overlooking of windows and gardens.
- Failure to consider impact on houses to north / west (Walkinstown Park).
- ABP Opinion required a report on residential amenity (both existing residents of adjoining development and future occupants). No report submitted.
- Traffic Impacts. Exacerbate existing traffic levels (noise and volume) on Ballymount Road and Walkinstown Roundabout. Development will create further difficulties for car parking.
- Ongoing issues in the area in relation to traffic, planning, dumping, parking, abandoned vehicles and development.
- Sewerage facilities will be overwhelmed.
- Timeframe for public consultation too short.

## 9.0 Planning Authority Submission

9.1. South Dublin County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 on 6<sup>th</sup> May 2021. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Clondalkin Area Committee, as expressed at a meeting held on 13<sup>th</sup> April 2021. 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.

### PA Comment on Principle of Development

- SDCC Development Plan is the relevant statutory plan.

- Development in accordance with consolidation objectives of Settlement Strategy which aligns to strategic approach of RSES and NPF.
- Objective CS6 SLO1 to initiate a plan led approach for Nass Road / Ballymount REGEN lands. Plan making process ongoing.
- PA satisfied that the proposed development will not compromise the future delivery of co-ordinated cohesive regeneration on adjoining lands.
- Complies with safeguards in Section 11.2.4.

#### PA Comment on Density and Height

- Increased density justifiable given regeneration zone and public transport.
- CDP supports varied building heights across residential and mixed use areas (Policy H9 and UC6). H9 Objective 3 seeks gradual change immediately adjoining existing one and two storey housing. H9 Objective 4 / UC6 Objective 3 seeks to direct buildings that exceed 5 storeys into town centres, regeneration areas and SDZ's, and subject to an approved Local Area Plan or Planning Scheme. Site is not identified for tall buildings exceeding five storeys in approved plan.
- S11.2.7 includes a provision that new residential adjoining existing 1-2 storey housing shall be no more than two storeys unless there is a separation of 35 metres or greater. Height above 2 storeys within 35m of existing two storey dwellings. However, height represents a gradual change and a separation distance of 27 metres is proposed at nearest point between existing two storey dwellings and new three storey elements of the development. It is considered that inconsistency with implementation guidance in Section 11.2.7 does not constitute a material contravention of the Development Plan.
- Blanket height restrictions in Development Plan run contrary to the Urban Development and Building Height Guidelines. Applicant makes a case in relation under SPPR3 and criteria in Section 3.2. Naas Road / Ballymount area is part of the 'City Centre within the M50' Strategic Development Area identified in the RSES and is a cornerstone of delivering the wider strategic and national policy of compact growth.

### PA Comment on Layout, Design and Residential Amenity

- Concerns in relation to the materials and design treatment of the elevations. Recommend that details of architectural treatment are agreed with the PA prior to the commencement of development.
- Location could be considered suburban / intermediate and 50% dual aspect would be more appropriate. Concern in relation to 36.8% dual aspect. Concern in relation to 12.9 % north facing single aspect apartments and outlook of single aspect north facing units in Block B.
- Compliance with unit mix requirements in Apartment Guidelines. Provision of larger apartments low. Upcoming draft CDP and Nass Road Planning Framework will seek to secure a balanced housing mix with minimum percentage of three bed units.
- PA has concerns in relation to visual impact. Primary mitigation is the tree line. Should be retained and enhanced as part of proposal. Recommend that a bond is required by condition.
- Mitigation measures detailed in daylight and shadow assessments should be included to ensure any 'marginal perceptible impacts' are addressed. Satisfied with the findings of the submitted Daylight Reception Report which assesses the Average Daylight Factor to proposed dwellings.
- Concern in relation to design (functionality) and layout of amenity areas and daylight to these spaces. Seek additional open spaces such as roof gardens.
- Concern in relation to potential impact on private amenity spaces associated with adjacent dwellings. The treeline that currently casts a shadow on neighbouring properties is located within the applicant's site and it is to be maintained. Recommended that suitable condition in relation to the maintenance of trees are put in place.

### PA Comment on Communal Facilities

- Concern in relation to scale of childcare provision. Minor amendments to the floor area should be agreeable by condition to ensure flexibility to attract an operator.
- Welcome active uses along Ballymount Road Lower frontage.

#### PA Comment on Open Space and Public Realm

- Concerned about quantum of functional open space and sunlight access to open space. Linear Park more of a landscaped linear route. Suggest that this route could be continued further north. Public realm and open spaces need to be integrated with wider area. Suggest additional open space in form of roof gardens. Suggest that proposed hedgerow along eastern boundary of the podium should be maintained / augmented.
- Need to implement recommendations of Arboricultural Report for tree protection.
- Landscape proposals acceptable. Should consider additional provision for teenagers and for universally accessible equipment within play proposals. Additional details needed for playgrounds and play spaces.
- Need for increased articulation of façade and / or staggering of building line along west street. Concern re underpass in Block B.

#### PA Comment on Transport, Access and Parking

- Transportation Section indicates no objection to the proposed transport, access and parking arrangements.
- Concerns on the over reliance on cycling – applicant has failed to demonstrate that there would be a high take up of cycling rather than parking. The PA is of the opinion that other methods such as Go Car, should be investigated. Concern regarding the cycle track and the interface with the boundary with DCC.
- Concerns in relation to bin collection route taking vehicles to rear of Block B. Suggest that bins are relocated, and that this area becomes part of the open space provision.

### PA Comment on Water Services

- No objection to proposed development. Recommend that a number of detailed design matters including discharge rate, attenuation and SuDS are agreed prior to commencement of development.

### PA Comment on Other Matters

- EHO seeks details of noise and air quality impacts from the operation of the gym, café and creche and proposals to mitigate noise nuisance. Generators, vents and flues and any infrastructural pieces associated with the other uses should be designed within the development.
- Conclusions of Micro-Climate Report noted.
- Location and unit types for Part V provision require further consideration. Preference is to acquire units (as opposed to lease).
- Energy / Part L compliance statement noted. Recommended that future proofing for district heating should be incorporated and a condition is recommended.
- Mitigation measures detailed in Ecological Assessment should be secured via condition.
- In conclusion the CE's Report states that concerns remain in relation to the number of dual aspect units, overbearance, open space, public realm and urban design aspects. The PA recommends a grant of permission subject to conditions to amend the proposal.

### Comments of the Clondalkin Area Committee

- Naas Road Masterplan should be in place; need to take account of the County Development Plan; general objection to SHD process; concern that proposal will be Built to Rent.
- Design concerns – overlooking, safety of underpass, number of single aspect units and scale, density and height.

- Road and traffic infrastructure needs to be upgraded; Less parking will mitigate traffic; Walkinstown roundabout not safe; car sharing should be in place; only 8 no. electric charging points.
- Gym should be communal laundry.
- Location appropriate for residential and regeneration. Good start to road structure in the area.
- Potential for poor air quality.

## 10.0 Prescribed Bodies

### 10.1. Irish Water

A submission has been received from Irish Water. Issues raised can be summarised as follows:

- Upgrade works required to increase the capacity of the wastewater network along Walkinstown Avenue (construct 400mm diameter sewers of approximately 570m in length) and Walkinstown Road (upsized the existing 300mm sewer to 525mm diameter sewer of approximately 900m in length). IW does not have any plans to extend the network in this area. The applicant will be required to fund this network extension and obtain any consents or permissions for works not in the public domain.
- New connection to water network feasible without upgrade.
- Standard IW conditions recommended.

### 10.2. Dublin City Council

A submission has been received from Dublin City Council's Transport Planning Division. Issues raised can be summarised as follows:

- Interface between the proposed pedestrian area in the southeast corner of the site and the existing public grassed area and footpath on Ballymount Road Lower has not been shown on submitted drawings. Existing Site Plan / Survey Drawing clearly shows an area between the proposed pedestrian area and existing public footpath in the southeast corner which will require works to

provide the necessary interface. It is not clear if works are required within the administrative area of DCC to facilitate this.

- Proposed 'bike lane' along Ballymount Road Lower frontage appears to be replacing the existing public footpath and there are no visible cycle path connections to the east or the west. Not clear how a small section of unconnected cycle lane would integrate into the existing road network. Recommended that the area is maintained as a footpath and safeguarded until such time as it can be developed as part of a wider cycle network proposal.
- Bus stop directly southeast of the site. Potential impact from the proposed development on pedestrian movement should be considered. Proposed bike rack on southeast corner adjacent to interface with public footpath should be relocated to reduce the impact on pedestrian movement around the bus stop.

## 11.0 Assessment

Having considered all of the documentation on file, the PA's Chief Executive Report, the submission from prescribed bodies and third party submissions, I consider that the planning issues arising from the proposed SHD development can be addressed under the following headings:

- Principle of Development
- Quantum of Development
- Design and Layout
- Visual Impact Assessment
- Residential Amenity Neighbouring Properties
- Quality and Amenity of Residential Development
- Traffic and Transport Matters
- Water, Drainage and Flood Risk
- Other Matters
- Building Height – Material Contravention

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment Screening and Stage 1 Appropriate Assessment Screening in respect of the proposed development, as detailed in Sections 12.0 and 13.0 below.

## 11.1. Principle of Development

- 11.1.1. The South Dublin County Council Development Plan 2016-2022 is the relevant statutory plan for this area. The site is zoned REGEN with an objective “to facilitate enterprise and/or residential led regeneration”. The development plan states that this zoning has been introduced to support and facilitate the regeneration of underutilised industrial lands that are proximate to town centres and/or public transport nodes. Objective CS2 4 of the Development Plan is to promote and support the regeneration of REGEN zoned lands. The Dublin Metropolitan Area Strategic Plan (MASP) which is part of the Regional Spatial and Economic Strategy identifies this area as one of the “Strategic Development Areas and Corridors” within the Dublin Metropolitan Area.
- 11.1.2. The proposed uses are permitted in principle under the REGEN zoning objective (Table 11.4 refers) and the Development Plan Core Strategy (as varied) identifies significant capacity for housing development in this area. The development plan recognises that the regeneration of the area will involve a transition from industrial to urban employment and residential uses over time. Section 11.2.4 (Implementation) sets out a number of safeguards to be addressed as part of any proposal for development on REGEN zoned lands. There is a requirement that the site is connected to the wider urban area and that isolated piecemeal pockets of residential development are avoided. In addition, there are safeguards to ensure that new developments are not unduly impacted by environmental impacts from the established uses such as air pollution, noise and nuisance.
- 11.1.3. Policy Objective CS6 SLO 1 (adopted Variation No. 3) is *“To initiate a plan led approach to the sustainable regeneration of the brownfield lands in the Naas Road / Ballymount REGEN zoned lands. The plan led approach will include the preparation of a masterplan in 2019 with a view to preparing a Local Area Plan or other appropriate mechanism for the Regeneration (REGEN) and Local Centre (LC) at*



*Walkinstown zoned lands. The masterplan will provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The spatial planning of the area will be informed by the Naas Road Framework Plan (2010)."*

The elected members for the area (CE's Report refers) suggest that the proposed Naas Road plan should be in place prior to permission being granted on the SHD site. In contrast, the CE's Report states that this plan making process is ongoing, and that the principle of residential development is considered acceptable in this case. The Report notes that the site is situated on the edge of the masterplan boundary and directly adjoins existing and well-established residential development. The Report also states that the proposed block structure could be incorporated into a broader urban structure and that the proposal will not compromise future regeneration on adjoining lands.

The SHD site has frontage onto Ballymount Road Lower which is part of the primary road network and has direct connections to services, facilities and transport links in Walkinstown. I would note that objective SC6 SLO1 (as varied) does not preclude development at this location pending the preparation of a masterplan and given the sites well connected location I consider that the proposed development is not premature. In addition, there is clear policy support at a National (NPS), Regional (RSES) and local (CDP) level for the regeneration of brownfield industrial lands at suitable locations to provide for more intense forms of urban development and there are numerous precedents for this type of regeneration within older industrial and dockland areas, including the traditional docklands of Dublin City and in the Sandford area. On the basis of the foregoing, I am satisfied that the proposed development represents an appropriate sequential form of development and that it is not premature pending the completion of a masterplan for the area. The potential for impacts arising from adjoining land uses (industrial and commercial) is addressed in proceeding sections.

## **11.2. Quantum of Development**

11.2.1. The proposed development comprises 171 no. dwellings on a 0.93 ha site. It has a stated plot ratio of 2.32 and a stated density of 183.7 units per hectare. The

applicant makes a case for the quantum of development proposed based on the sites central / accessible urban location and proximity to public transport. A number of submissions received from third parties and comments of the elected members (CE's Report refers) raise concerns in relation to the quantum of development proposed stating that the development will result in overdevelopment of the site.

11.2.2. Policy at a national and regional level encourages higher densities in appropriate locations. National Policy Objectives 33 and 35 of the National Planning Framework promotes increased scale and densities in settlements. At a regional policy level, the site is within the Dublin MASP<sup>1</sup> area where consolidation of Dublin city and its suburbs is supported. In addition, the Naas Road / Ballymount area is identified as a Strategic Development Area. Section 28 guidance, including the Sustainable Residential Development in Urban Areas Guidelines (2009), the Building Heights Guidelines (2018) and the Apartment Guidelines (2018 and updated 2020), provide guidance in relation to areas that are suitable for increased densities. The Sustainable Residential Development in Urban Areas Guidelines (2009) promote minimum net densities of 50 units per hectare within public transport corridors<sup>2</sup> with no upper limit. The Apartment Guidelines defines locations in cities and towns that are suitable for increased densities, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. The guidelines state that 'central and / or accessible' urban locations are generally suitable for small to large scale and higher density development that may wholly comprise apartments. The guidelines note that the scale and extent of development should increase in relation to proximity to core urban centres and public transport as well as employment locations and urban amenities. The South Dublin County Development Plan promotes higher residential densities at appropriate locations (Policy H8). Objective H8 1 is "to ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Sustainable Residential Development in Urban Areas Guidelines. Objective H8 2 is "to consider higher residential densities at

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<sup>1</sup> Metropolitan Area Strategic Plan contained in the Regional Spatial and Economic Strategy.

<sup>2</sup> 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station.

appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Sustainable Residential Development in Urban Areas Guidelines. Objective H8 4 is “to support proposals for more intensive enterprise and/or residential led development within areas designated with Zoning Objective ‘REGEN’, subject to appropriate design safeguards...”.

11.2.3. The site is c. 150 metres from a designated local centre at Walkinstown and is c. 450 metres from high frequency bus services on the Walkinstown Road (Dublin Bus 27 and 77A). Proposed Bus Connects Route No. 9 Greenhills to City Centre will also run along the Greenhills and Walkinstown Roads with stops proposed within 500 metres of the SHD site. The site is c. 1.2 km from a Luas stop at Kylemore Road (Red Line) that offers direct connections to Dublin City, Tallaght Town Centre and to employment destinations such as St. James Hospital and the National Children’s Hospital (under construction). In addition, the Ballymount / Nass Road area is a significant employment location. On the basis of the foregoing, I accept the applicant’s assertion that the site is within a ‘Central and Accessible Urban Location’ based on the definitions in the Apartment Guidelines. Given the site’s strategic location within the M50 corridor, its proximity to high frequency bus and Luas services, employment opportunities, as well as higher order urban services and facilities I consider that the site can sustainably support the higher density apartment development that is proposed. The proposed density is appropriate at this location given the need to deliver sufficient housing units within the MASP area, the need to ensure efficient use of land and maximum use of existing and future public transport infrastructure. This is consistent with the conclusion of the CE’s Report that the increased density is justifiable, given the regeneration zoning and associated public transport routes. The acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

#### Quantum of Development Conclusion

11.2.4. I consider the overall quantum of development proposed to be acceptable having regard to the sites location and national, regional and local planning policy in relation to density.

## 11.3. Design and Layout

### Block Structure and Public Realm

11.3.1. The SHD site contains a disused industrial / warehouse unit. Lands to the immediate east and north are characterised by two storey housing, while lands to the immediate west and south are characterised by low rise industrial, commercial and retail warehousing developments. The housing to the north and east is subject to a Z1 zoning objective under the Dublin City Development Plan 2016-2022 with an objective “to protect, provide and improve residential amenities”.

The proposed development seeks permission to demolish the existing buildings on site and to construct a residential development comprising 2 no. apartment blocks of 1-8 storeys in height. Block A is an ‘L’ shaped block of 4-8 storeys with maximum parapet height of 26.3 m (+78.1 m OD). Block B is a linear block of 1-6 storeys (upper floor set back) with maximum parapet height of 20 m (+71.8 m OD). The layout includes a landscaped podium between the blocks with car parking under, a landscaped linear walkway along the eastern and northern boundaries, and an access road along the western boundary. Communal areas, a café and a creche are proposed at street level along Ballymount Road Lower and public realm improvements are also proposed along this frontage.

11.3.2. The proposed development is a high density urban housing scheme. It is the first significant redevelopment proposal to come forward on REGEN zoned lands at this location and will therefore set the benchmark for future schemes. I consider the proposed perimeter block arrangement to be an appropriate design response to the site. There is a clear relationship between blocks, a hierarchy of open spaces and a number of enclosed spaces and a reasonable setback from neighbouring residential properties to the north and east. Block A provides an urban edge to Ballymount Road Lower and to the proposed western street. There is reasonable permeability around the site and potential for future connections to the west.

11.3.3. The CE’s Report raises concern in relation to the streetscape and underpass along the western boundary. The Report states that the streetscape should incorporate an element of staggering to fully articulate the street and suggests that the underpass in Block B be omitted to improve the perception of safety along the street. The Report

notes that the turning area to the north of Block B may be required for fire tender access but that the area should be better landscaped with appropriate street surfaces to provide the perception that the area is predominantly for pedestrians/cyclists. The Report also recommends that the linear pathway along the northern and eastern boundaries should extend to the western site boundary. I concur with the concerns raised by the PA in relation to this section of the development. The proposed underpass is two storeys high and extends onto the western site boundary. It provides a vehicular connection only and effectively severs the pedestrian connection and open views to the northern section of the site. The blank internal walls create an enclosed and isolated space. In addition, the western elevation extends onto the shared boundary presenting a blank façade of 5 storeys onto the boundary. This is not a suitable arrangement for a residential scheme in my view. I recommend that the underpass and the studio and two bedroom apartments over (no's B.1.7, B.2.18, B.2.19, B.3.30, B.3.31, B.4.41, B.4.42, B.5.48) are omitted and that the western access road is extended north. This would involve setting the building line of Block B back in line with Block A. Furthermore, I recommend that windows are provided in the western elevation of the new end units (B.0.2, B.1.6, B.1.8, B.2.17, B.2.20, B.3.29, B.3.32, B.4.40, B.4.43, B.5.49) to provide for a dual aspect outlook. The recommendation would result in the loss of 1 no. studio unit and 7 no. 2 bed units. It will provide for an open vehicular and pedestrian connection to the north of the site, a more suitable interface with the western boundary (when compared to the 5 storey blank façade) and will reduce the number of single-aspect north facing units within the development (discussed in Section 11.6 Quality and Amenity of Development). Furthermore, given the industrial and commercial nature of neighbouring units to the west I consider the setback of 10 metres from the boundary to be appropriate in order to protect the future amenity of the proposed residential units. In this regard, I would note that the west facing units in Block A have a bi-folding window system to give added sound proofing should activity in the commercial units to the west change in the future. In order to provide the basis for a more strategic 'green route' through the REGEN lands, I recommend that the 4 no. visitor parking spaces in the area north of Block B are relocated into a parallel car parking bay along the extended western access road (west of Block B) and that the

proposed linear walkway to the north of Block B is extended to the north-west boundary. A shared surface area should be provided for vehicle turning to give the impression of pedestrian / cycle priority. Landscaping details should also be provided for the full extent of the western access street to include hard and soft landscaping features (including street trees). Arrangements for bin collection can be agreed with the PA prior to the commencement of development as part of an operational waste management plan.

11.3.4. The CE's Report expresses concern in relation to the quantum of functional open space within the development. The Report questions the usability of the linear park suggesting that it is more of a landscaped route. I am satisfied that the proposed landscaped route has the potential to form part of a more strategic green infrastructure link through the REGEN lands in the future and that it also offers potential for passive recreation. On this basis I consider this to be an acceptable form of public open space provision. The podium level open space is welcomed, however, the PA express concern in relation to the level of daylight access to this space and in relation to the potential for overlooking of adjacent properties. The PA appear to assume that this is a public open space that there is no semi-private open space provision within the development. I consider that the open space at podium level is sufficiently segregated from public areas by design and that it can operate as a semi-private open space to meet the needs of residents. The overall level of provision and daylight access to open spaces are considered separately in Section 12.6 below. The proposed public realm / streetscape improvements along Ballymount Road Lower are welcomed. Additional detail is sought in relation to landscaping / play provision. I am satisfied that the matters raised are detailed design matters that can be agreed prior to the commencement of development.

#### Architectural Detailing and Material Finishes

11.3.5. The CE's Report expresses concerns in relation to the proposed material finishes and in relation to the treatment of elevations. The primary material for the scheme is pre-coloured white render combined with a flush powder coated aluminium panel and a powder coated aluminium glazing system. The applicant suggests that the render will be self-coloured and have self-cleaning technology. The CE's Report notes that the proposed development is in a prominent location, is one of the first

schemes in the Nass Road area and that the development should set a pattern for high quality finishes within the regeneration area. I share the concerns expressed in the CE's Report. I consider the use of render on the principal elevations to Ballymount Road Lower, the Linear Park and the western access street to be unsatisfactory given the urban format of development proposed and concur with the PA's view that this would set an undesirable precedent for future development within this regeneration area. I recommend, in the event that permission is granted, that the developer is required to submit a detailed materials strategy to the PA for agreement. The strategy should provide for high quality urban finishes (such as brick or brick system) on the principal elevations and increased variation in colour, tone and texture along the southern and western elevations with the intention of breaking up the overall scale and massing of these elevations.

#### Design and Layout Conclusion

11.3.6. I consider the general approach in terms of urban structure and public realm to be acceptable and am satisfied that the issues raised above can be satisfactorily addressed through condition.

### **11.4. Visual Impact Assessment**

11.4.1. The application is accompanied by a Townscape and Visual Impact Assessment (TVIA), photomontages, contextual elevations and sections that illustrate the proposed development within its context. A total of 7 no. short range viewpoints are assessed. A number of the submissions received from third parties and comments of elected members (set out in the CE's Report) raise concerns in relation to the scale and resulting visual impact of the development.

I have inspected the site and viewed it from a variety of locations in the surrounding area. I would note that the TVIA refers to 3 no. blocks and a building height of 2-8 storeys in error. This may relate to an earlier iteration of the scheme.

Notwithstanding this, I am satisfied that the assessment relates to a development of the height and scale proposed and when taken in conjunction with other documentation on the file (such as photomontages, the architectural design

statement, elevational drawings and sections) is sufficient to support an assessment of visual impact. The following table sets out an assessment of each viewpoint.

No.	Location	Description of change.
1	Ballymount Road Lower. 236m west of site.	Full building formation of Block A (8-storey western elevation) and Block B (6 storey western elevation with upper level setback) clearly visible over low rise commercial developments. I consider the magnitude of visual change to be medium / high and positive in context of receiving environment and REGEN zoning.
2	Walkinstown Park. 41m north-west of site.	The north-east section of Block B is visible between vegetation / development. Some visibly between existing properties / vegetation but largely screened. The level of visual change is slight.
3	Corner Walkinstown Park / Walkinstown Crescent. 72m north-west of site.	No visibility.
4	Walkinstown Crescent. 60m north of site.	Upper sections of Blocks A and B visible over existing two storey housing. The level of visual change is slight.
5	Walkinstown Crescent. 87.5m north east of site.	Upper sections of Blocks A and B visible over existing two storey housing. The level of visual change is slight.
6	Walkinstown Crescent. 42 m east of site.	Corner of Block A visible over existing two storey housing. The level of visual change is slight.



7	Ballymount Road Lower looking west.	Short range view 150 m east of site. Full building formation of Block A clearly visible. I consider the magnitude of visual change to be high and positive in context of receiving environment and REGEN zoning.
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11.4.2. The proposed development represents a substantial increase in height and scale relative to the existing residential and commercial developments in the immediate vicinity. The Statement of Consistency argues that the proposed scale and massing is appropriate given the site's well connected and accessible location and that the proposed development will positively contribute to the character and identity of the area. In the immediate area the development will be visible, primarily from Ballymount Road Lower to the east and west of the site, with more intermittent views from local vantage points in the adjoining residential and commercial areas. It will be viewed from the public road as a substantial insertion into the streetscape. I consider the visual change to be largely positive and that it is to be expected within an urban area that is identified for regeneration and transition to a more urban form of development. What is of primary importance in my view, is that the proposed development provides a quality addition to the streetscape and that it does not unduly dominate or undermine the wider character of the area. I am satisfied, on the basis of the submitted information, that this is achieved and that the height and scale of the proposed development can be absorbed at a local level. While the submitted photomontages do not address medium range and longer range views, I consider that the proposed development will read as part of the wider urban landscape when viewed at a distance. The impact on outlook from individual dwellings is considered separately in Section 11.5 (Residential Amenity Neighbouring Properties).

Landscape and Visual Impact Assessment Conclusion

11.4.3. I am satisfied that the scale of the development is acceptable and that the visual change arising from the proposed development will be positive and that it is consistent with emerging planning policy for the area.

**11.5. Residential Amenity Neighbouring Properties**

- 11.5.1. The site is bounded to the north and east by two storey semi-detached and terraced dwellings in Walkinstown Park and Walkinstown Crescent. The dwellings back onto the SHD site and have relatively short rear gardens. Given the interface, a key question for this assessment, in my view, is whether or not the proposed development would interfere with the amenities of the neighbouring residential properties in a manner that would justify refusing permission or substantially altering the proposed development. Submissions received from third parties raise concern in relation to the impact of the proposed development on the existing garden areas and dwellings due to concerns in relation to overshadowing, reduced sunlight / daylight and overlooking.
- 11.5.2. I refer the Board to the Architectural Design Statement (Residential Amenity Report), the Section Drawings and Reports titled “Effects on Daylight Reception Report”, “Sunlight Reception & Shadow Report”, “Air Quality Impact Assessment” and “External Noise Impact Analysis”. The site layout plan and graphics in the ADS detail the setback distances from a sample of the two storey houses and associated private gardens to the north and east of the site. Block A is 4-5 storeys at its eastern end. Dwellings no. 1, 3, 5 and 7 Walkinstown Crescent are two storey houses located to the east of the block. The setbacks from no. 1 and no. 7 are detailed on pages 32, 33 and 41 of the ADS. The proposed block maintains a setback of 33.75 metres from No. 1 Walkinstown Crescent and a setback of 18.5 metres from the private garden of this property. The opposing section of Block A is 5 storeys with a parapet height of 16.5 metres. The proposed parapet level is +69.00 m AOD relative to a ridge level at no. 1 Walkinstown Crescent of +57.23 m AOD (+11.77m). The directly opposing windows at second (L02), third floor (L03) and fourth floor (L04) have vertical louvers and obscure glazing to mitigate potential overlooking. No. 3 Walkinstown Crescent is angled away from the proposed Block A – towards the podium level open space and the garden area ends in a narrow section along the shared boundary with the SHD site. On this basis the potential for overlooking does not arise in my view. No. 5 Walkinstown Crescent has a single storey extension to the rear and the separation from the dwelling is 29.8 metres with setback of 15.5 m from the private garden area. The opposing windows in the proposed development are bedroom windows with clear glazing. No. 7 Walkinstown Crescent is located to

the northeast of the proposed Block A. Block A maintains a setback of 32.5 metres from the dwelling and a setback of 16.25 metres from the private garden. The opposing section of Block A is 4 storeys with a parapet height of 14.13 metres. The proposed parapet level is +65.60 m AOD relative to a ridge level at no. 7 of +56.55 m AOD (+9m). Directly opposing windows to kitchen / living areas at first to third (L1-L2) have vertical louvers to mitigate any potential overlooking. Eastern Elevation Drawing SB-2018-007-401 and the ADS (p41, p42 and 43) detail fenestration in the 4 and 5 storey elements of the eastern elevation facing Walkinstown Crescent. I would note that the minimum level of separation between windows is 29.8 metres (No. 5 Walkinstown Crescent).

Block B extends from east to west along the northern boundary of the site. It is 6 storeys (upper level setback) on the western side, graduating down to 4, 3, 2 and 1 storeys on the eastern side. No.13 – 35 Walkinstown Crescent and No. 57-63 Walkinstown Park are the closest dwellings. The ADS details the setbacks from a sample of closest dwellings no's 17, 19, 25, 27, 33 Walkinstown Crescent and 63 Walkinstown Park. No. 17 Walkinstown Crescent is located to the east of Block B. The 3 storey section of the proposed block maintains a setback of 27.9 metres from the dwelling and a setback of c. 14.5 metres from the shared boundary. No. 19 Walkinstown Crescent is located to the east of Block B. The 2-storey section of Block B maintains a setback of 22.75 metres from the dwelling and a setback of 9.2 metres from the boundary / private garden. The opposing section of Block B is 7.5 m high. The proposed parapet level is +59.30 m OD relative to a ridge level at no. 19 of +55.94 metres AOD (+3.36m). Drawing SB-2018-007-402 North Elevation shows the relationship. A submission received from the residents of no. 23 Walkinstown Crescent to the northeast of Block B expresses concerns in relation to the potential for impacts from overlooking, overshadowing, loss of daylight and sunlight. The proposed block is 2 and 3 storeys at the closest points and maintains a setback of c. 25 metres from the dwelling. The minimum separation from Block B (2 -storey section) and the boundary / garden area of this property is c. 11.6 metres. No. 63 Walkinstown Park is the closest dwelling in the terrace to the northwest of Block B. The proposed block maintains a setback of 32.5 metres from dwelling and a setback of 29.75 metres from the shared boundary / private garden area. Block B is 5

storeys with setback level over at this location and is 16.5 metres high. The proposed parapet height is +69.00 m AOD relative to a ridge level at no. 63 of +56.32m AOD (+12.68m). A submission has been received from the owner of No. 57 Walkinstown Park which is at the northern end of this terrace. The proposed block maintains a setback of c. 46 metres from the dwelling and a setback of c. 43 metres from the boundary / private garden of this property. I would note that the minimum level of separation between windows in Block B and opposing windows in existing properties is 27.9 metres (no. 17 Walkinstown Crescent).

The podium level that sits between Blocks A and B is at first floor level (L01) with a finished level of 55.3 metres AOD. The podium level is over 22 metres from the closest dwellings to the east and is over 35 metres from the dwellings for the most part.

The gardens in Walkinstown Crescent and Walkinstown Park are c. 2-2.5 m below the proposed ground level within the SHD site (+51.80 m OD). The private gardens closest to the road are visible from the road which sits above the level of the gardens. There is a continuous line of mature tree planting along the shared boundaries with the adjacent residential properties that provides significant screening. This planting is to be maintained and supplemented.

#### 11.5.3. Overlooking

Section 11.3.1 of the South Dublin County Development Plan sets out privacy standards for new residential developments. It states that a separation of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy and that reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy. I accept the argument put forward by the applicant that the development has been modulated to limit the potential for impacts on existing properties. I am satisfied that the separation standard in the development plan of 22 metres between opposing upper floor windows has been met in all instances. I would also draw the Boards attention to the fact that notwithstanding the fact that the minimum separation distances are met, the applicant has employed additional mitigation measures to address any residual

overlooking impacts. I consider that the combination of separation distances, reduced building heights at sensitive pinch points, the use of obscure glazing and louvers and the retention / improvement of the landscaped buffer along the shared boundary all combine to prevent undue overlooking of the existing residential properties. I would note that in the case of dwellings no. 57 to 63 Walkinstown Park the recommendation to remove the western section of Block B (underpass and units above) will create an increased setback from these properties.

#### 11.5.4. Loss of Daylight/Sunlight/Overshadowing

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that 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. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (updated 2020) also state that PA's should have regard to these BRE or BS standards (S6.6 refers).

The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following documents:

- BRE Report "Site Layout Planning for Daylight and Sunlight";
- European / British Standard EN17037 / BS EN17037 Lighting for Buildings: Code of Practice for Day Lighting (supersedes BS 8206-2:2008

(British Standard Lighting for Buildings – Code of Practice for Daylighting);  
and

- CIBSE Guide 10 Day light and lighting for buildings.

I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines.

While I note the applicant’s reliance on 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 does not have a material bearing on the outcome of the assessment.

I have given a detailed description of the interface between the proposed development and existing housing in Section 11.4.2 above. I have also carried out a site inspection, considered the third party submissions that express concern in respect of potential impacts as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings. In considering the potential impact on existing dwellings I have considered – (1) the loss of light from the sky into the existing houses through the main windows to living/ kitchen/ bedrooms; and (2) overshadowing and loss of sunlight to the private amenity spaces associated with the houses (rear gardens in this instance).

#### Light from the Sky

The BRE guidance on daylight is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Criteria set out in Section 2.2 of the guidelines for considering impact on existing buildings are summarised as follows:

- (i) Is the separation distance greater than three times the height of the new building above the centre of the main window? In such cases the loss of light will be small. If a lesser separation distance is proposed further assessment is required.

- (ii) Does the new development subtend an angle greater than 25° to the horizontal measured from the centre line of the lowest window to a main living room? If it does further assessment is required.
- (iii) Is the Vertical Sky Component (VSC) >27% for any main window? If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.
- (iv) Is the VSC <0.8 of the value before? The BRE guidance states that if VSC with the new development in place is both <27% and <0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- (v) In the room impacted, is area of working plan which can see the sky less than 0.8 the value of before? (i.e., if 'yes' daylighting is likely to be significantly affected). Where room layouts are known, the impact on daylight distribution in the existing building can be assessed.

The tests above are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin Metropolitan Area, 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.

The "Effects on Daylight Reception Report" states that the neighbouring buildings which could possibly be affected from daylight reception are the neighbouring residential dwellings east and northeast of the proposed new development. The Report notes that the existing residential gardens have relatively short gardens to the

site boundary and that there is an existing mature evergreen tree line ranging from 6-10 metres along the boundary line.

Separation distances are generally less than three times the height of the new building above the centre of the main windows being considered (at the closest point) so based on the BRE guidance a more detailed daylight assessment is required. 6 no. cross sections (P1-P6) through existing residential properties have been used to calculate VSC<sup>3</sup> angles before and after the introduction of the new development. Scenario 1 analysis includes the existing boundary treeline, while Scenario 2 excludes the tree line. The submitted Report argues that Scenario 2 is not relevant to final daylight reception as the development provides for the retention of the tree line for its operational life. I consider Scenario 2 in the assessment below on the basis that the BRE guidance (Appendix H) states that trees and hedges vary in their effect on skylight and sunlight and that most tree species will project a partial shade. For deciduous trees this will vary depending on time of year.

I am satisfied that the VSC assessment has been targeted to neighbouring windows / rooms / dwellings that are at the most challenging locations and demonstrate the worst case scenario.

- (i) P1 (No. 21 Walkinstown Crescent): 23.96 m separation from Block B (3 storey section – 10.65m high). 6% decrease of the VSC. Change is within recommended limit of 0.8 of former value under BRE guidance.
- (ii) P2 (No. 19 Walkinstown Crescent): 23.47 m separation from Block B (2 storey section – 7.8m high). 1% decrease of the VSC to closest 2 storey section. 4% decrease to VSC to taller section which is outside of test distance<sup>4</sup>. The level of change (0.86) is within recommended limit of 0.8 of former value under BRE guidance.
- (iii) P3 (No. 17 Walkinstown Crescent): 29.2 m separation to Block B (3 storey section – 11.05m high). 2% decrease of the VSC. Level of change (0.95) is within recommended limit of 0.8 of former value under BRE guidance.

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<sup>3</sup> Vertical Sky Component.

<sup>4</sup> Separation distance is over 3 times height.



- (iv) P4 (No. 15 Walkinstown Crescent): 23.29 m separation from podium level (single storey - 4m high). No change to VSC to closest section. 3% decrease VSC to taller section which is outside test distance. Level of change to taller section (0.89) is within recommended limit of 0.8 of former value under BRE guidance.
- (v) P5 (NO. 13 Walkinstown Crescent): 38 m separation to podium level (single storey - 4 m high). No change to VSC to closest section. 3% decrease VSC to taller section which is outside test distance. Level of change to taller section (0.91) is within recommended limit of 0.8 of former value under BRE guidance.
- (vi) P6 (No. 7 Walkinstown Crescent): 32.92 m separation to Block A (4 storey section – 14.14m high). 6% decrease of VSC. Level of change (0.81) is within recommended limit of 0.8 of former value under BRE guidance.
- (vii) No. 63 Walkinstown Park is not tested. 32.25m separation to Block A (5 storey section – 17.2 m high). No directly opposing windows.
- (viii) No. 1 Walkinstown Crescent is not tested. 33.75 m separation to Block A (4-5 storey sections – 14.13m and 17.2 m). Opposing windows at ground obscured by shed.

The level of change to ADF to ground level windows to main habitable rooms in the sample of neighbouring dwellings tested with the proposed development in place are all within the recommended change factor of 0.8 recommended under BRE guidance. I am satisfied that the assessment undertaken is robust and comprehensive and that it indicates that the impact on daylight reception to the neighbouring dwellings with the proposed development in place (without the tree line) would meet the recommended standards set out in the BRE document “Site Layout and Planning for Daylight and Sunlight – a Guide to Good Practice” 2011. I also accept the applicant’s argument that the level of actual change would be less when the impacts arising from existing planting along the boundary are taken into account.

#### 11.5.5. Loss of Sunlight/Overshadowing

I refer the Board to the submitted Sunlight Reception & Shadow Report. The 2011 BRE Guidance indicates that any loss of sunlight as a result of a new development should not be greater than 0.8 times its former size. The submitted Sunlight Reception & Shadow Report includes an assessment of impact on existing neighbouring gardens with (Scenario 1) and without (Scenario 2) existing trees. BRE Guidelines states (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)”. Section 3.3.11 of the BRE guidance states that if an existing garden or outdoor space is already heavily obstructed then any further 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 less than 0.8 times its former value with the development in place. I would note that the mature tree line along the northern and eastern site boundary obstructs sunlight to the adjacent private garden areas due to the location of the planting along the southern and western boundaries of these gardens.

An overshadowing / sunlight assessment was executed using a 3D model of the development and adjoining buildings with the results shown in tabular format in the submitted Sunlight Reception & Shadow Report. The analysis of all contiguous private garden areas shows that when the impact arising from existing mature boundary planting is excluded, in the majority of instances the level of change is still less than 0.8 times its current value. The reduction in respect of no. 63 Walkinstown Park and no's 25, 23, 21, 17, 7 Walkinstown Crescent exceeds 0.8 times the current value by a factor of between 5% and 10%, while in the case of no's 19, 11, and 9 Walkinstown Crescent the exceedance is between 2% and 4%. Further to the guidance in the Building Height Guidelines detailed above, I would note that the deviations from the BRE recommendations (without factoring in the existing planting) is clearly identified within the submitted Sunlight Reception and Shadow Report. A rationale for the deviation is presented on the basis that when the existing planting is factored in the actual reduction in all instances is less than 0.8 of its former value and that this reflects the actual level of impact that will arise as the planting is to be

maintained. In the case of no. 63 Walkinstown Crescent, I consider that the proposal to omit a 5 m section at the western end of Block B will further reduce the extent of overshadowing to this property. Having regard to the objectives for comprehensive urban regeneration at this location and the constraints offered by the site in terms of its position immediately south and west of existing housing, coupled with the limited impact that arises in respect of the existing dwellings I consider that the potential for undue impacts on the amenities of the neighbouring residential properties can be reasonably discounted and that the discretion offered by Section 3.2 of the Sustainable Urban Development and Building Height Guidelines and Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) is such that, a refusal of permission is not warranted.

It is my view that the level of change provided for under the guidelines will be met on the ground and as such I conclude that the overall level of residential amenity is acceptable, having regard to internal daylight provision and overshadowing impacts.

There are no objectives in the development plan in relation to overshadowing and on this basis, I am satisfied that the issue of material contravention does not arise.

#### 11.5.6. Overbearance

The proposed development will be visible from the private areas of immediately adjacent houses to the north and east and will change the outlook from these properties. I consider that a level of visual change is reasonable within an evolving urban area and that it is to be expected at this location owing to the policy presumption in favour of urban regeneration. The key consideration in my view is whether the height, scale and mass of development and the proximity to neighbouring properties is such that would be visually overbearing when viewed from the adjacent properties. The proposed development clearly exceeds the prevailing 2 storey building height in the area. However, the proposed development is modulated and steps down on its eastern / northern sides where it is closest to neighbouring dwellings. The height differences are detailed in Section 12.5.2 above. I consider that the proposed development would not be overly prominent when viewed from the dwellings to the north and east. The submitted documents show the interface between the proposed blocks and existing development and show that at all points

an open outlook and sky view is maintained from the dwellings to the north and east. The modulated nature of the blocks coupled with the level of setback from existing dwellings and the intervening mature screen planting is such that the proposed development would not result in an undue level of overbearance in my view.

#### 11.5.7. Construction Phase Impacts

During the construction phase noise, vibration and dust emissions arising from construction activities could impact adversely on the amenities of neighbouring properties. The Air Quality Impact Assessment and External Noise Impact Analysis submitted with the application indicate that any impacts arising during the construction phase will be short-term in nature and that subject to standard mitigation measures, undue impacts are not envisaged. In the event of a grant of permission I recommend that a Construction Management Plan is submitted to the PA for agreement to ensure that the potential for impacts is managed in accordance with best practice. I also recommend that the standard condition in relation to hours of operation is attached.

#### 11.5.8. Issues Raised in Third Party Submissions

A third party submission suggests that a requirement of the ABP Opinion at pre-application stage to submit a report on the impact of the proposal on the amenity of existing and proposed residential units has not been met. I would note that this report is contained within the submitted Architectural Design Statement. A third party submission raises concerns that the assessments have not addressed the potential for impact on residential properties in Walkinstown Park to the north. I am satisfied that the potential for impacts on the closest unit in Walkinstown Park no. 63 has been considered in the context of overlooking of garden areas and overshadowing. The potential for direct overlooking of windows or for diminution of daylight to habitable rooms was not considered as there are no directly opposing windows to habitable rooms. I consider the level of assessment to be acceptable.

#### 11.5.9. Residential Amenity – Neighbouring Properties Conclusion

I am satisfied that the potential for impacts on neighbouring residential properties during the occupational phase has been reduced to an acceptable degree through the provision of suitable setbacks and design mitigation and that the potential for

impacts during the construction phase can be managed to a satisfactory level by condition.

## 11.6. Quality and Amenity of Development

11.6.1. The following assessment considers the quality and amenity of the development relative to relevant quantitative and qualitative standards for residential development. The assessment has regard to guidance set out in the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2020, the South Dublin County Development Plan 2016-2022 and to BRE and BS guidance on daylight / sunlight referenced the Building Height Guidelines (2018).

### 11.6.2. Housing Mix and Apartment Design and Layout

The proposed development would provide for the following housing mix:

Unit Type	No.	%
Studio	2	1.2%
1-Bed	59	34.5%
2-Bed (3 person)	14	8.2%
2-Bed (4 person)	89	52%
3-Bed	7	4.1%
<b>Total</b>	<b>171</b>	<b>100%</b>

SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. The CE's Report acknowledges that the unit mix complies with the standards in the guidelines but notes that the provision of larger apartments is relatively low, stating that it is the PA's intention to secure a balanced approach to housing mix in this area through the upcoming Development Plan (not published) and Naas Road Planning Framework (not published). Policy H10 of the development plan seeks to provide for a wide variety of housing types, sizes and tenures. Section 11.3.1 states, inter alia, that

proposals that include a high proportion of one bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area and that design statements will be required to address the mix of dwelling types. The applicants Statement of Consistency states that the mix provides for a variety of apartment types and sizes in accordance with the Guidelines on Sustainable Residential Development in Urban Areas. I am satisfied that the proposed development meets the requirements of SPPR 1 of the Apartment Guidelines, 2020 and on this basis, I consider that the proposed housing mix is acceptable. While the assessment detailed in Section 11.3.1 of the development plan is not included I am satisfied that the more general provisions of Housing Policy 10 and the associated objective (H10 Objective 1) is addressed within the Statement of Consistency and that the issue of material contravention does not therefore arise.

The recommendation in Section 1.3 to omit units would increase the proportion of studio and one bed units to 36.8%. I am satisfied that the increase is marginal and that the requirements of SPPR1 would continue to be met.

#### 11.6.3. Apartment Design and Layout

The schedule of floor areas set out in the Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three person apartments. There are 14 no. two-bedroom three person apartments in the scheme equating to c. 8.2% of the units overall. The recommendation in Section 1.3 to omit units would result in an increase in the proportion of three person 2-bed apartments to 8.6%.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme (> 10 units) shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). A total 89 no. units or

52% of the units exceed the 10% standard. The requirement is met and exceeded. I would note that the recommendation in Section 1.3 to omit units would increase the proportion of units that exceed the 10% standard to c. 55%.

SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. There are a total of 62 no. dual aspect units within the scheme (documents refer to 63 no. units but this does not accord with submitted plans and particulars). This equates to 36 percent dual aspect units. I consider the site to be within a central and accessible urban location as discussed in Section 11.2 Quantum of Development above. The standard of 33% for central and accessible urban locations detailed in SPPR 4 of the Guidelines is exceeded. Section 3.18 of the Apartment Guidelines states that where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. It states that north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. The submitted documents state that a total of 22 no. units (12.9%) are north facing single aspect units. A case is made for these units on the basis that they overlook the central podium garden or linear landscaped amenity area to the north of the site. The CE's Report expresses concern in relation to the number of the north facing single aspect units, particularly those in Block B. I consider that the outlook of north facing units in Block B that face towards a turning area fails to meet the requirements of the guidelines. I would note that the recommendation in Section 1.3 to omit units over the proposed underpass and to add fenestration to the western elevation of other units in Block B will omit 3 no. single-aspect north facing units and add windows to the western elevation of a further five north facing single aspect units (serving living/ dining/ kitchen areas). The recommended alterations will reduce the proportion of single-aspect units overall and reduce the proportion of north facing single aspect units from c. 13% to c. 8.5%. The remaining north facing units overlook the podium level open space or linear open space and have a reasonable standard of outlook in my view. I consider this to be reasonable in the context of the guidance.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.

Appendix 1 of the guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. Private open space is provided in the form of balconies and the minimum space and depth standards are generally met.

#### 11.6.4. Open Space

Appendix 1 of the Apartment Guidelines sets out the following minimum area requirements for communal amenity space in new apartment developments:

Unit	No.	Per Unit (sq.m.)	Total Requirement
Studio	2	4 sq.m	8 sq.m
1 bed	59	5 sq.m	295 sq.m
2 bed (3 person)	14	6 sq.m	84 sq.m
2 bed (4 person)	89	7 sq.m	623 sq.m
3 bed	7	9 sq.m	63 sq.m
Total	171		1073 sq.m.

The scheme provides for a total of 1476 sq.m of semi-private open space within the podium area. The requirement of the guidelines is met and exceeded within the scheme.

Section 11.3.1 of the South Dublin Development Plan 2016-2022 seeks public open space provision at a rate of 10%. The proposed linear park and playground provide for a total of 1,569 sq.m public open space. This exceeds the 10% requirement based on the net site area of 0.93 ha (9,308 sq.m).

#### 11.6.5. Communal Facilities



The Apartment Guidelines promote the provision of communal rooms for use by residents in apartment schemes, particularly in larger developments. The proposed development includes 474.3 sq.m of communal facilities within Block A comprising a gym (182.5 sq.m), lounge areas (130.4 and 54.9 sq.m) and a meeting room (106.5 sq.m). I consider the level of provision to be sufficient.

#### 11.6.6. Waste Management

Provisions are made for waste at lower ground level within the under podium area. The PA have expressed concern in relation to the bin collection location. I agree with the concerns raised and am of the view that the collection area should be relocated in consultation with the PA. In the event of a grant of permission I recommend that a condition is included that requires an Operational Waste Management Plan (to include detail for bin connection) to be submitted for the agreement of the PA prior to the commencement of development.

#### 11.6.7. Daylight and Sunlight

I refer the Board to the submitted Daylight Reception Report. BRE and the BS guidance recommends that for new dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room, 1% for a bedroom and 1.5% for a living room / bedroom. The applicant has undertaken a calculation of the amount of daylight received by rooms for a sample of units at levels 00, 01 and 02 in accordance with BRE guidelines and expressed the results as Average Daylight Factor. Table 5.3 of the submitted report details the ADF results for the rooms assessed. In all instances the target ADF levels detailed in the BS and BRE guidance (2% for a kitchen, 1.5% for a living room, 1% for a bedroom and 1.5% for a living room / bedroom) are met. I am satisfied that the rooms tested represent the worst-case units on the lowest three floors, and that on this basis it is reasonable to predict that rooms not tested would also meet the ADF standards.

I refer the Board to the submitted Sunlight Reception and Shadow Report which considers the level of sunlight access to proposed open spaces within the development. The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21<sup>st</sup> March (spring

equinox). To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out using a 3D model and the results are shown in tabular format. The amenity spaces tested are the podium level open space, the playground and a seating area at street level close to the Ballymount Road frontage, and a seating/ amenity area along the 'linear park' link. This analysis indicated that in excess of 50% of each amenity spaces and 50% of the amenity spaces overall would receive at least two hours of sunlight on the 21<sup>st</sup> of March (spring equinox). 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 21<sup>st</sup> March), I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under BRE guidance.

#### 11.6.8. Overlooking

Section 11.3.1 of the development plan states that a separation of 22 metres should generally be provided between opposing upper floor windows, but that reduced distances will be considered where innovative design solutions are used to maintain a high standard of privacy. I am satisfied that a minimum 22m separation distance is generally achieved. There are a number of small windows in the northern elevation of Block A (unit A1.2.15, A1.2.16, A1.3.27, A1.3.28, A1.4.39, A1.4.40, A1.5.51 and A1.5.52) that are less than 22 metres from opposing windows in Block B. I recommend that obscure glazing is added to these windows to ensure compliance with the requirements of Section 11.3.1.

#### 11.6.9. Noise, Air and Micro-Climate

Section 11.2.4 of the development plan refers to the transitional nature of regeneration zones, and states that precautions will be taken to ensure that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards, noting that the PA may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of recommendations to mitigate the impacts of any pollutants insofar as possible.

The submitted External Noise Impact Analysis considers inward noise impacts. Noise surveys were undertaken along Ballymount Road Lower and at the western site boundary. A noise attenuation factor based on distance was used to predict noise levels at façade points A (South Elevation), B (West Elevation), C (North Elevation), D (Podium North), E (Podium South). Inward noise levels within the habitable rooms were then calculated by applying a noise attenuation factor for the building (25dB). Table 2.4 details the calculated noise levels at facades and within the building. The maximum noise level at the façade were between 58 dB and 40 dB, with maximum levels within the apartments of between 33 dB and 15dB – averaging at 23dB to 15dB over daytime hours and 20dB to 15dB over night-time hours. They levels are substantially below WHO/CIBSE/BS8233 recommended maximums and no significant inward noise impacts are anticipated. While no mitigation measures are recommended, the analysis concludes that it may be useful to apply acoustic rated ventilation grills on facades facing south and west. I would note that as a precaution bi fold windows are proposed to balconies on the western elevation of Block A and southern Elevation of Block B (on western end) to mitigate any impacts arising from future increases in noise levels within the adjacent commercial units. I consider the methodology used in the assessment to be robust and accept the findings.

The application is accompanied by an Air Quality Impact Assessment. Data from the local EPA air quality monitoring stations at Walkinstown Library (c. 1 km) and the national station at Davitt Road (c. 2.5 km) show that the existing baseline air quality in the area is good with no exceedances of the National Air Quality Regulations limit values. It is noted that during the construction phase there is the potential for short term impacts on air quality arising from dust emissions (increased PM<sub>10</sub> and PM<sub>2.5</sub>) and increased traffic movements (NO<sub>x</sub>, CO and hydrocarbons and benzene). During the operational phase the main potential for impacts arises from increased traffic movements. The report concludes that any impacts arising would be negligible in the construction phase and long-term but negligible during the operational phase. The overall air quality index for future occupants is good – EPA Air Quality Index for Health level 2 on a scale of 1-10. While the site is at the edge of an older industrial area the uses immediately adjacent were generally small scale workshops,

warehouses or retail warehouses and I did not observe any significant sources of air pollution or nuisance. I consider that the methodology used in the Air Quality Impact Assessment to be robust and accept the findings.

The submitted Microclimate Impact Assessment provides a general overview of likely impact from wind for a development of the height and scale proposed. It is predicted that the proposed development height will not lead to a significant acceleration of wind speed. It is also predicted having regard to the height to width ratio that wind will go up and over the development rather than being directed down to street level. In addition, the podium level amenity space is protected from the predominant south westerly wind direction. I am satisfied that significant microclimate impacts are not likely to arise.

#### 11.6.10. Quality and Amenity of Development Conclusion

To conclude, I consider that the design and layout of the development is generally satisfactory with regard to national and development plan guidance for residential development and that, subject to the recommended amendments, it would offer a reasonable standard of residential accommodation and amenity for future residents of the scheme.

### 11.7. Traffic and Transportation

#### 11.7.1. The site is accessed from Ballymount Road Lower a 50kph local distributor road.

There are a number of vehicular access points serving commercial / industrial sites and residential properties in the vicinity of the SHD site. Walkinstown Crescent to the east is accessed from Walkinstown Avenue (R112) and has pedestrian access only from Ballymount Road Lower. Walkinstown roundabout, a 6 arm roundabout junction, is c. 230 metres to the east of the site. Permission is sought to create a new priority controlled junction onto Ballymount Road Lower at the western end of the site. The internal layout includes an access road (5m wide) along the western boundary. It is proposed to undertake public realm improvements along the Ballymount Road Lower to include a section of cycle track and drop off bay.

#### 11.7.2. Car and Cycle Parking

A total of 69 no. car parking / drop off spaces are proposed (0.4 spaces per unit). This includes 2 no. car club spaces, 4 no. drop off spaces along Ballymount Road Lower, 4 no. universally accessible spaces and 8 no. electric charging points. A number of submissions received from third parties express concern in relation to the low level of car parking proposed. Table 11.24 (Zone 2<sup>5</sup>) of the development plan sets out maximum car parking standards. The maximum rate of provision for the proposed development would be 158 no. spaces. While the level of provision falls substantially below this, the CE's Report indicates that the rate of provision is acceptable. The applicant argues that the site is at an accessible urban location and highlights travel patterns in the area and at other comparable apartment developments. The Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020, recommend that car parking provision be minimised, substantially reduced or wholly eliminated at central and accessible urban locations such as this (Section 11.2 Quantum of Development refers). I consider that the location is suitable for reduced car parking provision based on the sites proximity to high capacity public transport services and employment and that the level of provision proposed is acceptable. I would note that the recommendation in Section 11.3 Design and Layout to relocate the 4 no. visitor spaces to the north of Block B into a parallel car parking bay along the western access street will not impact on the overall level of provision.

A total of 384 no. cycle parking spaces are proposed. The level of provision substantially exceeds the minimum standards in Table 11.22 of the development plan and exceeds the more onerous general requirements set out in the Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020 (Section 4.17).

### 11.7.3. Traffic and Transport Assessment

The application is accompanied by a document titled Traffic Impact Assessment which examines the impact of the proposed development on the local road network. Traffic surveys were undertaken in May 2019 to establish baseline traffic conditions. Trip generation rates for the development are forecast using the NRA / TII approved

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<sup>5</sup> Town and village centres and within 400 metres of a high quality public transport.

TRICS database. It is forecast that in the am peak the development would generate 11 no. arrivals and 41 no. departures, while in the pm peak it would generate 35 no. arrivals and 11 no. departures. The TIA notes that the trip generation rates would be below that of a previously permitted retail development on the site (PA Ref. SD17A/0102). PICADY9 software is used to assess the operational capacity of the proposed priority controlled junction with Ballymount Road Lower in the year 2038. The assessment takes account of the baseline traffic conditions and includes traffic growth for the opening year, opening year +5 and opening year +15. The outputs show that there will be sufficient reserve capacity on Ballymount Road Lower to accommodate traffic associated with the proposed development in 2038 (opening year +15). I would note that the impact of the forecast traffic movements on the wider network has not been considered. However, the proposed development is sub-threshold for a full Traffic and Transport Assessment (TTA). Based on the guidance set out in the TII's Traffic and Transport Guidelines 2014 and given the low trip generation rates forecast I am satisfied that the development, of itself, would not have a significant impact on the local road network and that a full TTA is not required.

#### 11.7.4. Bicycle Lane and Tie In's

The proposed development includes a bicycle lane along the Ballymount Road Lower frontage. The submission received from Dublin City Council's Traffic Section questions the rationale for the inclusion of this short section of cycle lane as it is not connected to cycle infrastructure on either side. It is suggested that it reverts back into the footpath on either end. I would concur with the concerns raised by the City Council whose functional area immediately adjoins the site at its eastern end.

In addition, the City Council submission requests that the developer is required to agree tie in details at the interface with DCC and to ensure that there is no obstruction to the bus stop to the east of the site.

The PA's Roads Department recommend that prior to commencement of development a Mobility Management Plan, public lighting scheme, final Construction & Demolition Waste Management Plan and Construction & Environmental Management Plan are submitted for agreement. The Report also seeks a reversing

distance of 6 metres to rear of car parking spaces, line markings / signage to relevant standards and any cycle facilities to comply with the NTA National Cycle Manual.

I am satisfied that the matters raised by DCC and the SDCC Roads Department relate to detailed design matters and can be satisfactorily addressed by way of condition in the event that permission is granted.

#### 11.7.5. Construction Traffic

The volume of traffic generated during construction will be lower than that generated during the operational phase. The PA request that a Construction Management Plan is submitted for agreement prior to the commencement of construction. I recommend that this plan would include a full traffic management plan for the construction phase. This can be addressed by way of condition.

#### 11.7.6. Conclusion Traffic and Transportation

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues are of a minor nature may be dealt with by condition.

### 11.8. **Water, Drainage and Flood Risk**

I refer the Board to the 'Engineering Services Report, 'Site Specific Flood Risk Assessment' (SSFRA), to the CE's Report including the Report of the Water Services Section and to the submission received from Irish Water.

#### 11.8.1. Water and Drainage

It is proposed to connect to an existing 225mm diameter foul sewer on Ballymount Road Lower. The submission received from Irish Water states that to accommodate the proposed connection upgrade works are required to increase the capacity of the wastewater network along Walkinstown Avenue (construct 400mm diameter sewers of approximately 570m in length) and Walkinstown Road (upsized the existing 300mm sewer to 525mm diameter sewer of approximately 900m in length). The submission notes that IW does not have any plans to extend the network in this area and that the

applicant will be required to fund this network extension and obtain any consents or permissions for works not in the public domain. The works detailed in the IW submission are standard network improvements that do not require planning permission. I note that the sections of network referenced by IW are contained within the public road network. I am satisfied that the upgrades can be undertaken without planning or third party consents and that a refusal of permission would not, therefore, be warranted on this basis. The water supply connection is from the 150mm diameter public watermain on Ballymount Road Lower. A submission received from Irish Water indicates that a new connection to water network feasible without upgrade. Irish Water have recommended that the standard IW conditions are included in the event of a grant of permission.

#### 11.8.2. Surface Water

The proposed development includes a surface water system that combines sustainable urban drainage features (green roofs and landscaped areas, bio-retention trees, grass swales and rainwater harvesting tanks) and below ground attenuation. The Engineering Services Report and associated drawings indicate that stormwater from the development will outfall to a surface water sewer in Walkinstown Crescent to the east of the site. The stated discharge rate is 2l/s (greenfield rate) with peak stormwater discharge to be restricted to 5.19 l/s for the worst case scenario of 1 in 100 year +20% flood event. The Engineering Services Report notes that this is a significant reduction on the current peak outfall rate of 118l/s. The PA's Water Services Section states that the maximum discharge rate of 5.19 l/s is too high and that it should be 2 litres / second. I would note that this request is consistent with the Greater Dublin Strategic Drainage Study standards. The PA request revised details prior to commencement of development including revised surface water attenuation calculations based on the maximum greenfield discharge rate of  $Q_{bar}$  rural or 2 litres / second / hectare whichever is higher; attenuation volumes in cubic metres; details showing where the flow control device and all SuDS features are located (inc. capacity of SuDS features). I am satisfied that the matters raised by the PA are detailed design matters that can be



satisfactorily addressed by way of condition. In the event that the Board is minded to grant permission, I recommend that a condition is attached, requiring the developer to submit the revised details for the agreement of the PA.

### 11.8.3. Flood Risk

I refer the Board to the Flood Risk Assessment (FRA) submitted with the application. The OPW CFRAM maps for the area show that the site is in Flood Zone C. It has a low risk of tidal or fluvial flooding and residential development is an acceptable lands use within this zone (Table 3.2 Flood Risk Management Guidelines refers). The site has not had any recorded incidence of pluvial or surface water flooding. The OPW's flood maps (floodmaps.ie) do show a single flood event on lands to the east in 2011. However, these lands are c. 2 m below the level of the SHD site. The SFRA states that any residual risks of pluvial or surface water flooding can be managed through the design, construction and management of the drainage systems. I am satisfied that the requirements of the Flood Risk Management Guidelines are met and that any residential flood risk can be managed to an acceptable degree through the implementing good urban drainage measures.

## 11.9. Other Matters

### 11.9.1. Ecological Assessment

I refer the Board to the submitted Ecological Impact Assessment. The site is a brownfield site that is characterised by buildings and artificial surfaces, tree lines and hedgerow (non-native and native species) along boundaries and small areas of mixed broadleaved conifer woodland / conifer woodland, recolonising bare ground and scrub.

During survey no protected or rare plant species were recorded, there was no sign of bats, or evidence of Otter. One Annex 1 species, namely Herring Gull, and three Amber Listed Species, namely House Sparrow, Starling, and Robin were recorded within the site. The value of the existing buildings and trees was considered to be negligible for bats. Feral Pigeon were also noted to be breeding within the building. The study area was deemed to be of local value for a range of terrestrial bird species

that are relatively common in Ireland. Two non-native and invasive species were identified within the site. These are discussed separately below.

Overall, it was concluded that the site has low value and highly modified habitats and no Annex I habitats. No significant impact on the water environment and on aquatic habitats are predicted. No significant impacts on fauna are envisaged. It is noted that increased noise and disturbance during construction could potentially impact on fauna. However, any such impacts will be temporary in nature and negligible to minor in scale.

#### 11.9.2. Invasive Species

There are stands of the non-native and invasive species Giant Hogweed in the northern part of the site. Some of the stands are within areas to be developed. Buddleia (medium risk) was also identified within the site. Giant Hogweed is included on Schedule III of the European Communities (Birds and Natural Habitats) Regulations, 2011 (Statutory Instrument S.I. 477 of 2011), as amended. It is a highly invasive and difficult to eradicate. The presence of both species is identified in the submitted Ecological Impact Assessment (EiA) and the mitigation section sets out various treatment options for both species. However, no Invasive Species Management Plan has been submitted with the application and it is not clear what treatment plan is going to be implemented on the site. A technical note attached to the Outline Construction and Waste Management Plan states that all contractors will be notified that parts of the site are contaminated with Giant Hogweed and Buddleia and that they must adhere to protocols to avoid the spread of the plant within and outside of the works area. Construction control measures are proposed to manage any potential spread. I recommend that a condition is included, in the event of a grant of permission, that requires an Invasive Species Management Plan to be submitted to the PA for agreement and for the agreed plan to be implemented prior to any works progressing on the site.

#### 11.9.3. Part V

The applicant has submitted Part V proposals that involve granting a 25 year lease to the PA for 10% of the units in the scheme. The Report of the PA's Housing Department states that the preference is to acquire units on site. It is recommended

that in the event of a grant of permission that there is a requirement to agree details in respect of Part V. I would note that the proposed development has not been advertised as a built to rent scheme and on this basis the request of the PA would appear reasonable. I am satisfied that the standard Part V condition can be applied and in the event that agreement is not reached the matter in dispute (other than a matter to which section 96(7) applies) may be referred to An Bord Pleanála for determination.

#### 11.9.4. Social Infrastructure

##### Childcare

A creche with capacity for 25 no. children is proposed. The submitted documents includes a Statement of Rationale on Childcare Provision. The submitted Statement notes the standard set out in the S28 Childcare Facilities Guidelines 2001 for 20 childcare spaces for every 75 no. dwellings. A case is made for a reduced level of childcare provision based on the updated S28 guidance set out in the 2018 (updated 2020) Sustainable Urban Housing Design Standards for New Apartments Guidelines. These guidelines state that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidelines also state that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. The proposed development contains a total of 110 no. 2 and 3 bed units. Under the 2001 Guidelines, this would generate a requirement for c. 30 childcare spaces. However, given the flexibility provided for under the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2018 (updated 2020) and having regard to the level of existing provision in the wider area (as detailed in the statement) I am satisfied that the level of provision is acceptable.

##### Other Social Infrastructure

Walkinstown is a mature residential with a wide range of social infrastructure including primary and secondary schools, sports and recreation facilities and medical

facilities. There is a public park to the north of the site. The site is also proximate to amenities in the wider city area including third level intuitions, hospitals, and retail facilities in Tallaght and the City Centre. I am therefore satisfied that the area and development are well serviced in respect of social/recreational/retail infrastructure.

## 11.10. **Building Height – Material Contravention**

11.10.1. Development plan policy objectives H9 1, H9 3 and H9 4 are considered relevant. Policy H9 Objective 1 seeks “to encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity”. Policy H9 Objective 3 seeks “to ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height)”. Section 11.2.7 states, inter alia, that appropriate maximum or minimum height will be determined by the prevailing building height in the area and the proximity of existing housing (within 35 metres of existing one and/or two storey housing new development is to be no more than two storeys in height). Policy H9 Objective 4 (repeated in Policy UC6 Objective 1) seeks “to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme”. The neighbouring dwellings to the north and east are within the administrative area of Dublin City Council. Section 16.7.2 of the City Development Plan classifies this area as ‘outer city’ of the City Development Plan where building heights of up to 16 metres (residential and commercial) are permissible.

The site is not within a Town Centre, Mixed Use Zone or Strategic Development Zone and there is no current LAP for this area. The building height of both Blocks (A and B) exceeds the 5-storey limit set out under Policy H9 and Policy UC6 of the Development Plan. In addition, sections of the blocks that are over 2 storeys are within 35 metres of existing two storey housing contrary to the guidance in Section 11.2.7.

11.10.2. The application includes a Material Contravention Statement in respect of building height, and this statement is referenced in the public notices. The statement refers to Policy H9 Objective 4. The applicant's case for material contravention refers to the fact that the site is zoned for residential led regeneration and that it is in a highly accessible location where increased height and density should be promoted. It is argued that Policy H9 Objective 4 conflicts with the Urban Development and Building Height Guidelines and that the Building Height Guidelines SPPR3 allows for heights greater than 5 storeys to be considered. I am satisfied that the case presented is sufficient to addresses deviations from the height limits in Policy H9 Objective 4 and in Section 11.2.7. The Board, therefore, has recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should it consider the exceedance to be material.

11.10.3. The Section 28 Urban Development and Building Height Guidelines (2018) state 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". The proposed development of 1-8 storeys is higher than the prevailing 2 storey building height in the area. In pursuit of the guidelines, Section 3.1 requires Planning Authorities to apply the following broad considerations in considering development proposals for buildings that are taller than prevailing building heights in urban areas:

- Does the proposal positively assist in securing National Planning Framework objectives of focusing development into 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?

The proposed development is consistent with objectives 33 and 35 of the NPF which encourage increased scale and densities in settlements. **This is addressed in Section 11.3 above.** The South Dublin Development Plan 2016-2022 and the policies and standards contained therein pre-date the issuing of the Building Height Guidelines in 2018 under Section 28 of the P&D Act, published under a commitment of the National Planning Framework to secure more compact forms of development.

The CE's Report states that the blanket height restrictions in the development plan run contrary to the Urban Development and Building Height Guidelines (SPPR1) and that SPPR 3 provides a framework to grant permission contrary to their development plan subject to being satisfied that the applicant has met specified criteria. It is noted that the applicant has provided a statement of consistency which sets out compliance with SPPR3. In relation to Objective H9 Objective 3 it is stated that the proposed heights represent a gradual change in height and is generally in accordance with Policy 9 Objective H3 as there is no significant marked increase in building height in close proximity to existing housing. It is noted that a separation of 27 metres is proposed (at the nearest point) between existing two storey housing the new three storey element of the development which is inconsistency with the standard of 35 metres detailed in the implementation guidance in Section 11.2.7. The PA argue that this does not constitute a material contravention of the development plan. However, I propose to apply caution and to address the inconsistency as a material contravention of the development plan.

11.10.4. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. SPPR 3 provides that where an applicant for planning permission sets out how a development proposal complies with the criteria in Section 3.2 of the Building Height Guidelines, and the assessment of the PA concurs, taking account of the wider strategic and national policy parameters set out in the NPF and the Urban Development and Building Height

Guidelines, then the PA may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The Development Management Criteria under section 3.2 of these guidelines, along with other relevant national and local planning policy standards, have informed my assessment of the application. Policy considered includes the National Planning Framework, and particularly Objective 13 concerning performance criteria for building height, and Objective 35 concerning increased density in settlements.

11.10.5. In principle, there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR3 and criteria 3.2. The proposed development is assessed against each of the criteria in section 3.2 of the Building Height Guidelines in the table below. In making this assessment I have had regard to the case put forward by the applicant in the Statement of Consistency and in the Material Contravention Statement.

<b>At the scale of the relevant city/town</b>	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	Existing and proposed high frequency bus stops <500m (27 and 77A – 10 min frequency and proposed Bus Connects Route 9). Luas Red Line Kylemore Stop 1.2km.
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	Urban area. LVIA S11.3 above concludes that development would not be unduly obtrusive or detract from the character of the wider area. No protected views, ACA, or other architectural/visual sensitives apply.

<p>Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>LVIA (inc. photomontages) carried out by suitably qualified professionals. See above.</p>
<p>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.</p>	<p>Proposed landscaped amenity areas with potential for connection to future regeneration sites to the west. Active frontage to Ballymount Road Lower.</p>
<p><b>At the scale of district/ neighbourhood/ street</b></p>	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>Yes. Responds to development plan policy for more urban form of development within regeneration lands providing a strong urban edge to Ballymount Road Lower. Retention of trees and hedgerow along eastern and northern boundaries provides visual buffer to lower density housing. Modulated building heights along sensitive boundaries respond to the existing built environment. More sustainable density within this MASP area and close to public transport.</p>



<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered</p>	<p>Design comprises 2 blocks (ranging in height from part 1 to 8 storeys). Block structure considered to be of high quality and appropriate. Considered that concerns raised in S11.3 above in relation to western end of Block B and material finishes can be satisfactorily addressed by way of condition.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine 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>Strong urban edge to Ballymount Road Lower – key thoroughfares. Site does not contain key public spaces and/or inland waterway/ marine frontage.</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). Positive precedence for other regeneration sites in this area.</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 studio, 1, 2 and 3 bedroom units, and expands the</p>

	<p>smaller unit typology within this area (which is dominated by 2-3 bed family size homes). Proposed Part V units are well integrated within the scheme and site.</p> <p>Communal facilities include café and creche.</p>
<b>At the scale of the site/building</b>	
<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>Compliance with BRE 209 and BS2008 is achieved, and amenity of existing residents and future residents is satisfactorily addressed and maintained. Section 11.4 refers.</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 Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</p>	<p>Compliance with BRE 209 and BS2008 is achieved, and amenity of existing residents and future residents is satisfactorily addressed and maintained. Section 11.4 refers.</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</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.</p> <p>Daylight and Overshadowing analysis submitted to demonstrate</p>

assessment of the cumulative micro-climatic effects where taller buildings are clustered	compliance with standards, as applicable.
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	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. Herring Gull was recorded but no suitable habitats and closest European site where Herring Gull is a QI is over 20km.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links	n/a – not a tall building in this context.
An assessment that the proposal maintains safe air navigation.	n/a – not a tall building in this context.
An urban design statement including, as appropriate, impact on the historic built environment	Design Statement contained in Architectural Design Statement. No historic built environment features in area.
Relevant environmental assessment requirements, including SEA, EIA, AA and	SEA not required/applicable. EIA and AA screening reports submitted.

Ecological Impact Assessment, as appropriate.	EclA submitted.
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11.10.6. I consider that the criteria above are appropriately incorporated into the development proposal and on this basis that SPPR3 of the Building Height Guidelines can be applied. I am satisfied that the proposal positively assists in securing National Planning Framework objectives to focus development into key urban centres, fulfilling targets related to brownfield, infill development and to deliver compact growth in our urban centres.

11.10.7. Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (i) and (iii) on the basis of strategic or national importance, government policy and having regard to the pattern of existing and permitted development in the vicinity. I have incorporated specific reasoning and justification having regard to S.37(2)(b) of the 2000 Act (as amended) into the 'Conclusions on Proper Planning and Sustainable Development' in the 'Recommended Order' for the Board's consideration at the end of this report.

## 12.0 Screening for Environmental Impact Assessment

12.1.1. The site is an urban brownfield site (zoned REGEN) located at the edge of an industrial / commercial area and adjacent to existing housing. It comprises buildings and artificial surfaces, tree lines and hedgerow (non-native and native species), areas of mixed broadleaved conifer woodland / conifer woodland, recolonising bare ground and scrub. Non-native invasive species have also been identified within the site - Giant Hogweed (high risk) and Buddleia (medium risk). The proposed development relates to the demolition of existing industrial / warehouse buildings and construction of 171 no. apartments (including ancillary communal facilities), a café and creche in 2 no. blocks of 1-8 storeys in height.

12.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would

be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. In addition, Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

12.1.3. The proposal for 171 no. residential units, a café and a creche on a site of 0.93 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 13.0 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

12.1.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Architectural Design Statement

- Townscape and Visual Impact Analysis
- Landscape Design Strategy
- Report in Support of Habitats Directive Screening
- Ecological Impact Assessment
- Traffic and Transport Assessment
- Flood Risk Assessment
- Noise Impact Report
- Air Quality Impact Assessment
- Microclimate Impact Assessment
- Effects on Daylight Reception Report
- Sunlight Reception & Shadow Report
- Planning Statement
- Energy and Part L Compliance Report
- External Public Lighting Report
- Outline Construction and Waste Management Plan and Addendum on Invasive Species Management

12.1. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account I would note that the following assessments / reports have been submitted.

- Report in Support of the Habitats Directive Screening has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) and also addresses requirements arising from the Water Framework Directive (and River Basin Management Plans) and the Urban Wastewater Treatment Directive.

- An Energy and Part L Compliance Report has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings.
- The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- An Outline Construction and Demolition Waste Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive.
- The submitted Air Quality Impact Assessment relies on air quality monitoring and standards derived from the EU Ambient Air Quality Directive.
- The Noise Assessment relies on standards derived under or related to the EU Environmental Noise Directive.

The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

12.2. I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This

conclusion is consistent with the EIA Screening Statement submitted with the application.

- 12.3. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

### **13.0 Appropriate Assessment**

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

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

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

The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. The Screening Report has been prepared by DixonBrosnan and is supported by an Ecological Impact Assessment. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that "the proposed development at Walkinstown, either alone or in combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required."



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

#### 13.1.2. Need for Stage 1 AA Screening

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### 13.1.3. Brief Description of the Development

The applicant provides a description of the project in Section 3.1 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary, permission is sought for a housing development comprising 171 no. apartment units, communal facilities, a creche, café and car parking on a site of 0.93 ha situated in an urban area of Dublin. The site is at a transitional location between residential development to the east and north and industrial and commercial development to south and west. The site is serviced by public water and drainage networks. Surface water from the development will drain to a surface water sewer. The site is a brownfield site that contains a disused warehousing building and associated concreted yard area. The site is enclosed by concrete walls to sides and rear and has hedgerow, treelines and woodland habitats along the perimeter. There is a small gas substation in the south-eastern corner of the site that is bounded by palisade fencing (to be retained). There are no watercourses within or immediately adjoining the site. The Robinhood Stream and Walkinstown Stream (tributaries of the Camac River) are located c. 250 m north-west of the site. No Annex 1 habitats were recorded within the application site. Herring Gull an Annex 1 species was recorded within the site. No other Annex 1 bird species or fauna were encountered during site survey. Giant Hogweed and Buddleia, both non-native

invasive species have been recorded within the site. Giant Hogweed (high risk) is listed on the third Schedule of the EC (Birds and Natural Habitats) Regulations 2011. The AA states that both non-native invasive species will be removed from the site prior to the commencement of site works. It is noted that both species can be eradicated by mechanical removal.

#### 13.1.4. Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 of this Report. The submissions do not refer to AA concerns.

#### 13.1.5. Zone of Influence

A summary of European Sites that occur within the vicinity (15km radius) of the proposed development is presented in the applicant's AA Screening Report (Table 1 Chapter 5). In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest European sites are in the Dublin / Wicklow Mountains (Glenasmole Valley SAC [Site Code 001209] 6.8 km south; Wicklow Mountains SAC [Site Code 002122] and Wicklow Mountains SPA [Site Code 004040] both 9.2 km south) and Dublin Bay (South Dublin Bay SAC [Site Code 000210] 8.5 km east; South Dublin Bay and River Tolka Estuary SPA [Site Code 004024] 8.6 km east; North Dublin Bay SAC [Site Code 000206] and North Bull Island SPA [Site Code 004006] both 11.4 north-east).

13.1.6. Section 8 of the applicant's screening report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The issues examined are habitat loss, noise and disturbance, potential for impacts arising from the spread of invasive species and impacts on water quality and fauna from surface water and wastewater discharges. The possibility of a hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay is identified due to surface water and foul water connections. This is discussed further

below. The potential for a hydrological connection to any site through groundwater is not addressed within the AA Screening Report. However, I am satisfied that any such potential can be excluded given the soil profile underlying the site (made ground over firm to stiff sandy gravelly clay over medium dense silty sandy gravels) and depth of the water table (c. 3.5 m below ground) described in the Outline Construction & Waste Management Plan and the degree of separation from any European site. The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance is excluded due to the lack of suitable habitat for qualifying interests of SPAs and the intervening distances between the site and European sites. I would note in relation to Herring Gull (*Larus argentatus*) the Annex 1 species recorded during site survey that it is not a QI of any of the European sites within a 15 km radius. The closest European site where Herring Gull is listed as a QI is Irelands Eye SPA over 20 km to the north-east.

13.1.7. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites outside of Dublin Bay are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. In relation to the potential connection to sites in Dublin Bay I am satisfied that sites beyond the inner section of the bay (namely Rockabill to Dalkey Island SAC, Dalkey Island SPA and Howth Head Coast SPA) are not within the downstream receiving environment of the proposed development given the insignificant loading in terms of either surface water or wastewater arising from the proposed development and the significant marine buffer and dilution factor that exists between the sites.

13.1.8. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall locations of the River Liffey and the Ringsend WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

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

13.1.10. Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210) - c. 000210 km east of the proposed development. c. 537 m south of Ringsend WWTP outfall.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / *Salicornia* and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

North Dublin Bay SAC (000206) – c. 11.4 km north east of the proposed development; c. 2.3 km north east of Ringsend WWTP outfall.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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 (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 8.6 km east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

North Bull Island SPA (004006) - c. 11.4 km north east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

13.1.11. Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within or in the immediate vicinity of the site. During the operational stage surface water from the proposed development will drain to an existing public surface water sewer in Walkinstown Crescent to the east. This sewer drains to the Camac river catchment, which drains to the River Liffey close to Heuston Station, and in turn drains to the Liffey Estuary Lower transitional waterbody, and then flows into Dublin Bay coastal waters. According to the EPA, water quality of the Liffey Estuary transitional waterbody and Dublin Bay coastal waterbody is classified as 'moderate' and 'good' respectively and Dublin bay coastal waterbody has a WFD risk score of 'not at risk'. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase clean, attenuated surface water will discharge from the site to a public sewer in small and controlled volumes. (See Engineering Services Report and Outline Construction & Waste Management Plan). The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).
- The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to

Dublin Bay. The total foul outfall volume is calculated at 79,181 l/day. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. I consider that the foul discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. I would also note that the proposed development, if granted will supersede a previous warehousing use on the site.

- The EPA is the competent authority in respect of issuing and monitoring discharge licences for the WWTP at Ringsend and the license itself is subject to the provisions of the Habitats Directive. Despite capacity issues at Ringsend WWTP the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of 'unpolluted' water quality status. The 2019 AER for the Ringsend WWTP notes that discharges from the WWTP does not have an observable negative impact on the water quality in the near field of the discharge and in the Liffey and Tolka Estuaries. The WFD characterisation process concluded that the Ringsend WWTP is a significant pressure on the Liffey Estuary Lower Water Body (EPA 2018). However, the pollutant content of future discharges to Dublin Bay is likely to decrease in the longer term due to permissions granted for upgrade of the Ringsend WWTP (2019). It is also an objective of the GSDS and all development plans in the catchment of Ringsend WWTP to include SUDS within new developments and to protect water quality in the receiving freshwater and marine environments and to implement the WFD objective of achieving good water quality status in Dublin Bay. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence

conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

- It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

#### 13.1.12. AA Screening Conclusion:

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 14.0 Recommendation

Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

### Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the NPF and EMRA/RSES
- (b) the policies and objectives set out in the South Dublin County Development Plan 2016-2022 (as varied).
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018



- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history of the site and within the area,
- (m) the submissions and observations received including the submission received from Dublin City Council the adjoining Planning Authority,
- (n) the report of the Chief Executive of South Dublin County Council, and
- (o) the report of the Inspector

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

## 15.0 Recommended Order

**Application:** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 10<sup>th</sup> day of March 2021 by HW

Planning, 5 Joyce House, Barrack Square, Ballincollig, Co. Cork on behalf of AAI Walkinstown Ltd.

**Proposed Development:**

The proposed development will consist of the demolition of an existing warehouse / factory building and ancillary outbuildings / structures and the construction of a residential development of 171 no. apartments with supporting tenant amenity facilities (gym, lounges and meeting room), café, creche, landscaping, public realm improvements, and all ancillary site development works. The proposed development will consist of 2 no. studio apartments, 59 no. 1 bedroom apartments, 103 no. 2 bedroom apartments and 7 no. 3 bedroom apartments contained in two apartment blocks ranging in heights from 1 to 8 storeys. The proposed development provides for outdoor amenity areas, landscaping, under-podium car parking, bicycle racks, bin stores, ancillary plant, and roof mounted solar panels. Vehicular access to the proposed development will be provided via a relocated entrance from Ballymount Road Lower.

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Council Development Plan 2016-2022 and also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

**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:

Having regard to the following:

- (a) the policies and objectives set out in the NPF and EMRA/RSES
- (b) the policies and objectives set out in the South Dublin County Development Plan 2016-2022 (as varied).
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013, as amended
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history of the site and within the area,
- (m) the submissions and observations received,
- (n) the report of the Chief Executive of South Dublin County Council, and
- (o) the report of the Inspector

## **Appropriate Assessment**

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

### **Environmental Impact Assessment**

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

Having regard to:

- (a) the nature and scale of the proposed development 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 sensitive location specified in article 299C 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.

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

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

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

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016 and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment; and due to the identification of this area as one of a number of “Strategic Development Areas and Corridors” within the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly Area (Chapter 5 Metropolitan Area Strategic Plan).
- (b) It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 and 35) and the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR1 and SPPR3.

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

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure

the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Block B shall be amended in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>- The proposed vehicular underpass and apartment over (no's B.1.7, B.2.18, B.2.19, B.3.30, B.3.31, B.4.41, B.4.42, B.5.48) shall be omitted and the western building line of Block B shall set back in line with that of Block A. This will involve a reconfiguration of the proposed plant room and substations at lower ground level.</li> <li>- Fenestration (windows) shall be provided in the western elevations of the resulting end units no. B.0.2, B.1.6, B.1.8, B.2.17, B.2.20, B.3.29, B.3.32, B.4.40, B.4.43, B.5.49 to provide for dual aspect units.</li> </ul> <p>(b) Block A shall be amended in accordance with the following requirements:</p>

	<ul style="list-style-type: none"> <li>- Obscure glazing shall be added to windows in the northern elevation of Block A (Unit no's A1.2.15, A1.2.16, A1.3.27, A1.3.28, A1.4.39, A1.4.40, A1.5.51 and A1.5.52) where they are within 22 metres of a directly opposing window in Block B.</li> </ul> <p>(c) The western access street shall be extended to the turning area to the north of Block B to include a vehicular carriageway of 4.8 metres (min), parallel car parking bay containing 4 no. spaces and 2 meter wide (min) footpath.</p> <p>(d) A detailed landscaping proposal shall be submitted for the western access road to include hard and soft landscaping (including street trees) along the street.</p> <p>(e) The proposed linear park along the northern boundary and the associated pathways shall extend to the north-western site boundary and provide for a future connection to REGEN zoned lands to the west. The 4 no. visitor car parking spaces to the north of Block B shall be omitted. The vehicular turning area shall have a shared surface to give the impression of pedestrian / cycle priority in this area.</p> <p>(f) The proposed bike lane along the Ballymount Road Lower frontage shall be replaced with a footpath that ties into the existing footpaths on either side of the site.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity and visual amenity and to ensure compliance with the urban design criteria in the Urban Design Manual accompanying the Sustainable Residential Development in Urban Areas Guidelines 2009 and with the car parking standards in the Design Manual for Urban Roads and Streets 2013.</p>
3.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, Outline Construction &amp; Waste Management Plan and External Noise Impact Analysis (use of acoustic rated</p>

	<p>ventilation grills on facades facing south and west) shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
4.	<p>Prior to commencement of any works on site, the developer shall submit and agree in writing with the planning authority a comprehensive Invasive Species Management Plan, which shall include detailed measures for the elimination of Giant Hogweed and Buddleia, on the site and dispose of any contaminated material by either its destruction or burial in sealed cells on site, or its removal off site under licence from the National Parks and Wildlife Service of the Department of Housing, Local Government and Heritage for its disposal or destruction in an approved facility.</p> <p><b>Reason:</b> To ensure the eradication from the development site of invasive plant species and to protect biodiversity.</p>
5.	<p>The following details shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development:</p> <p>(a) A detailed materials strategy that include details of materials, colours and textures of all the external finishes to the proposed buildings. The proposed nap plaster finish shall be omitted in full on principal elevations of Block A (southern, eastern and western elevations) and Block B (northern, eastern and western elevations) and replaced with high quality and durable urban finishes such as brick or other high quality finish. The finishes shall reflect the residential use of the development and include variation in materials / colour / textures to break up the scale of the elevations. A sample panel of the principle finishes to each block shall be erected on site for the consideration of the planning authority. Construction materials and detailing shall be of high quality and shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.</p> <p>(b) Details of a wayfinding through the site to ensure clear and legible access to the principal doorways, parking area, and open spaces.</p>



	<p>(c) Details of daytime public access through the proposed linear amenity area along the northern and eastern site boundaries.</p> <p>(d) Details of tie in with the existing public realm within the South Dublin County Council and Dublin City Council administrative areas.</p> <p><b>Reason:</b> In the interests of visual amenities, permeability, connectivity and good urban design.</p>
6.	<p>No external security shutters shall be erected for any of the communal areas / commercial premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
7.	<p>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.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>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.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
9.	<p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interests of clarity and public health.</p>
10.	<p>Details of works to the public road to facilitate the proposed development shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. All works to the public roads / footpaths shall be completed to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interests of traffic, cyclist and pedestrian safety and sustainable travel.</p>

11.	<p>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. Prior to commencement of development the developer shall submit the following details to the Planning Authority for written agreement:</p> <ul style="list-style-type: none"> <li>(i) Revised surface water drainage calculations, conveyance and attenuation details (to include SUDS details and details of flow control device) to meet the surface water storage requirements of the development. The maximum discharge rate for surface water shall be Qbar rural or c. 2 litres per second.</li> <li>(ii) Prior to commencement of development a Stage 2 – Detailed Design Stage Storm Water Audit shall be submitted to the Planning Authority for written agreement.</li> <li>(iii) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</li> </ul> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
12.	<p>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.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
13.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site and details of children’s play features and boundary treatments.</p>

	<p><b>Reason:</b> In order to ensure the satisfactory completion of the development.</p>
14.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s), shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within [three] metres of any trees [shrubs] [hedging] which are to be retained on the site.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
15.	<p>The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and the lower ground level car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
16.	<p>The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 65 no. clearly identified car parking space shall be</p>

	<p>assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission. The 'drop-off' spaces along Ballymount Road Lower shall provide for set down only. 2 no. spaces along the western access street shall be reserved for use by a car club.</p> <p><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.</p>
17.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/ occupants/ staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
18.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p>

	<p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
19.	<p>Proposals for a development naming and unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
20.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
21.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
22.	<p>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.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
23.	<p>The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management</p>

	<p>scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
24.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
25.	<p>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:</p> <p>(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;</p> <p>(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of</p>

	<p>construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to the matters outlined in the submission received from Inland Fisheries Ireland.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
26.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
27.	<p>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.</p>

	<p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on and adjoining the site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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.</p> <p><b>Reason:</b> To secure the protection of the trees on the site.</p>
29.	<p>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.</p> <p><b>Reason:</b> 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.</p>



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

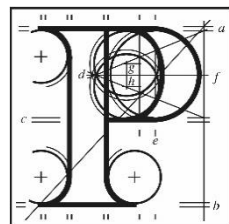
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Karen Kenny

Senior Planning Inspector

18<sup>th</sup> June 2021

## 17.0 Appendix I EIA Screening Form



An  
Bord  
Pleanála

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

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-309658-21
Development Summary		171 apartments, café and creche.
	Yes / No / N/A	

<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	NIS
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	No
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	South Dublin County Development Plan 2016-2022 subject to SEA and SFRA.

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

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>Not significant in scale in context of the wider area.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>Demolition of disused industrial / warehouse at transitional location between traditional industrial / commercial uses and residential. Uses proposed consistent with land uses in the area and with the REGEN zoning. Residential uses and transition to more urban format of development permitted. No changes to topography or waterbodies - save for surface water run-off to public sewer that drains to Camac River catchment.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>

<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. Non-native Invasive Species on Site. Removal proposed. Condition to submit Invasive Species Management Plan to PA for agreement and to implement agreed plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. Non-native Invasive Species on Site. Condition to submit Invasive Species Management Plan to PA for agreement and to implement agreed plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to watercourse.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>

<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted SSFRA. Outside of consultation distance for Seveso / COMAH sites in the vicinity.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Development of this site as proposed will result in an increase in residential units within the MASP area. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>No.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <p><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></p>	<p><b>No</b></p>	<p>No. Potential for significant effects on Natura 2000 sites has been screened out.</p>	<p>No</p>

<p>2. NHA/ pNHA  3. Designated Nature Reserve  4. Designated refuge for flora or fauna  5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be affected by the project?</p>	<p><b>No</b></p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p><b>No</b></p>	<p>No significant landscape, historic and archaeological items identified.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>



<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no open watercourses in the area. The development will implement SUDS measures to control surface water run-off.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>No.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>No.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>Residential / community and social land uses. No significant impacts are envisaged.</p>	<p>No</p>

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

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

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Karen Kenny

Senior Planning Inspector

18<sup>th</sup> June 2021