



An
Bord
Pleanála

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

Inspector's Report ABP-310077-21

Strategic Housing Development

260 no. apartments and associated site works.

Location

Site at Belmayne P4. The corner of Churchwell Road and Churchwell Crescent, Belmayne, Dublin 13.
(www.belmayneshd.ie)

Planning Authority

Dublin City Council.

Applicant

Balgriffin Park Limited.

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee.

Observer(s)

Aisling Cleary.

Grzegorz Donorowicz.

Inland Fisheries Ireland.

Date of Site Inspection

10 July and 3 August 2021.

Inspector

Stephen Rhys Thomas

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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. The application was made by Balgriffin Park Limited and received by the Board on 28 April 2021.

2.0 Site Location and Description

- 2.1. The development site is an undeveloped flat, rectangular plot located at the south western corner of the Belmayne urban district, identified as 'P4'. It is accessed via Belmayne Avenue, off a roundabout on the R139. The R107/Malahide Road/R139 junction is nearby to the southwest. The Mayne River is located c. 400m to the north.

The site is bound as follows:

- Belmayne Main Street along the southern site boundary. Undeveloped lands to the south and west. There is a proposed Bus Connects corridor linking Clongriffin and the city centre along Main Street.
 - Churchwell Avenue/Road to the north (Block P3). A 3 storey building with own door duplex units at ground floor level and apartments overhead with 4 storey bookend apartment elements.
 - Churchwell Crescent to the east (Block P5). A 5 storey over basement apartment block. Belmayne Main Street is further to the east of the site, with 6 storey frontages and some commercial units at ground floor level.
 - Existing pedestrian/cycle route along the western site boundary.
- 2.2. The site is relatively level with some overgrown earthen mounds, there are no significant stands of trees or hedgerows. The site is characteristic of a brownfield urban plot, with disturbed ground the result of recent construction activity. For the most part development in the vicinity is complete, but there are other large construction sites at work in the area. The site is well connected with existing pedestrian and cycle networks radiating outwards and the large commercial centre of Clarehall and Northern Cross very close by.

3.0 Proposed Strategic Housing Development

3.1. The proposed development on a site of 1.31 hectares will consist of 260 apartment units in two blocks ranging in height from 2 to 7 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	1.31 hectares
No. of Units	260 units (apartments units)
Density	198 units per hectare
Dual Aspect	136 units (52.3%)
Other Uses	0 sqm
Private Communal Space	2,945 sqm Podium level
Public Open Space	0 sqm
Residential Amenity Space	314 sqm
Height	2-7 storeys
Parking	199 car spaces (19 surface and 180 undercroft) 400 bicycle spaces (16 surface and 384 undercroft).
Vehicular Access	Vehicular access to the undercroft parking from Churchwell Crescent.
Part V	26 (10 one bed/2P, 1 two bed/3P, 14 two bed/4P and 1 three bed/5P)

Housing Mix

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	108	132	17	260
% of Total	41.5%	50%	8.5%	100%

4.0 Planning History

0354/02 PL29N.131019

This is the parent permission for the original Belmayne development. Permission was granted for a mixed use development including residential units; public open space; the southern carriageway of the Parkside Boulevard, which connects the Malahide Road to the Hole in the Wall Road; and the creation of a Main Street, which connects the Grange Road extension to the eastern boundary of the development site. The application included a masterplan for the lands which identified 55 no. different cells (P1 – P55) and a phasing plan for the development of the lands. The development site was identified as Cell P4. Permission was originally granted for a 6 storey apartment block at the development site. This permission has now lapsed. The application was subsequently amended by DCC Reg. Ref.: 4004/04 and 1359/07.

4315/03 PL29.207192

Permission granted for a mixed use development comprising 2,180 dwellings, community, retail and commercial uses; the primary school; the Grange Road and Hole in the Wall Road extensions; and the linear park and the town square. This application represented a portion of Phases 2 and 3 and all of Phase 4 and 5 of the overall masterplan permitted under 0354/02. The permission was subsequently amended by permissions DCC Reg Ref 2029/06, 3511/06, 1306/07 and 1359/07, which included the provisions of ESB substations and utilities rooms, development names, security kiosks, entrance features, and revised phasing.

Parkside Developments

There have been numerous permissions on the lands east of Belmayne Avenue, known as 'Parkside', as summarised in Chapter 4 of the applicant's submitted

Planning Report. The most recent permission, ref. ABP-305623-19, granted permission for 282 apartments and associated facilities including a linear park along the River Mayne on lands at the northern end of the Belmayne district in January 2020. This development is known as 'Parkside 4'. Permission was also granted for 64 houses and 32 apartments under Reg. Ref. 3791/18, 'Parkside 5A', located at a site to the east of Belmayne Avenue and southeast of Belmayne Educate Together school.

Belmayne Main Street Part VIII

Dublin City Council has approved a Part VIII scheme to complete Belmayne Main Street to the south, east and west of the development site including footpaths and cycleways; bus lane; signalised junctions at Belmayne Avenue/Belmayne Main Street and at Belmayne MainStreet/Malahide Road; pedestrian/toucan crossings and landscaping works.

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 28 January 2021 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP- 308172-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.
- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
 1. Housing Quality Assessment with regard to the standards set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities.
 2. Building Lifecycle Report.
 3. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
 4. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed.

5. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.
6. Revised roads and car park layout, if necessary, to address matters raised in the report of Dublin City Council Transportation Planning Division dated 5th October 2020.
7. Traffic and Transport Impact Analysis, to consider cumulative impacts of permitted development in the area.
8. Rationale for the proposed car parking provision with regard to Dublin City Development Plan 2016-2022 Table 16.1 car parking standards and the performance related approach set out in the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) in relation to infill sites in urban areas, to include a car parking management strategy, details of the allocation of car parking spaces to the proposed land uses and specific provision for the proposed car club spaces.
9. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
10. Ecological Impact Statement.
11. AA screening report or Natura Impact Statement.
12. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee

5.4. **Applicant's Statement**

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

5.5. **Applicant's Material Contravention Statement**

5.5.1. A Material Contravention Statement (chapter 8 of the applicant's Planning Report) has been prepared that sets out the rationale as to why the development could be permitted even when the proposal would represent a material contravention concerning some objectives of Dublin City Council as expressed in its City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (extended until 2022) specifically relating to:

Building Height - Section 16.7 of the City Development Plan outlines the building height strategy for the City Council area, "outer city" locations are limited to 16m building height (5 storeys residential). Policy UD07 of the Clongriffin-Belmayne LAP allows up to six storeys depending on design as does the Draft Masterplan for the area (Belmayne and Belcamp Lane). The proposed apartment development comprises an apartment block ranging in height from 2 to 7 storeys, therefore one storey higher than the maximum height prescribed in the LAP. The applicant applies section 28 guidelines to rationalise the taller buildings proposed, specifically the development management criteria contained in section 3.2 of the Height Guidelines.

Residential Density – the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (extended until 2022), within chapter 16 of the LAP a density range of 50-60 units

per hectare is indicated. However, the Draft Belmayne and Belcamp Lane Masterplan identifies that the subject site is in Residential Area A and is considered suitable for a residential density of c. 250uph. Given the above it is contended that a material contravention of the LAP in relation to density does not arise as a result of the proposed development.

Public Open Space - Section 16.10.3 of the Development Plan states that 10% of the site area shall normally be reserved as public open space. Only incidental public open space is proposed as part of the development, however, 2,945 sqm of communal open space will be provided for residents of the scheme. It is noted that the development allows for payment in lieu of open space and that the LAP and draft masterplan have been designed to allow for public open spaces the wider area. Though a contravention of the plan, the applicant will accept a condition for payment in lieu of public open space.

Car Parking - The application site is located within Parking Zone 3 and has a maximum residential parking provision of 1 space per unit. Section 16.38 of the Plan reiterates that the parking standard is a maximum standard. A parking standard of 0.69 space per unit, in accordance with the City Development Plan standard, and the national Apartment Guidelines, applies to this site.

Unit Mix - Section 16.10.1 of the Dublin City Development Plan 2016-2022 states that, in proposals of 15 units or more, each apartment development shall contain: a maximum of 25-30% one-bedroom units and a minimum of 15% three- or more bedroom units. SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). An HNDA has not been prepared and so the proposed development includes 41.5% one bed units, 51.9% two bed units, and 6.5% three bed units in accordance with national policy.

Phasing - The subject lands are located in an area identified as Phase 4 in the LAP. Permissions have been secured for Phases 1 and 2 and are nearing completion. Permissions have also recently been granted for other Phase 3 and 4 lands of the LAP within the Parkside development area to the east but have not yet commenced. The subject site is the only undeveloped area of the Belmayne development block

which remains to be complete. The completion of this will enable the release of phase 5 lands, and Belmayne Town Centre to the west. Due to PART VIII works for the Main Street, a small area of Phase 1 lands remain to be completed. Section 16.2 of the LAP states that the phasing sequence is “flexible to encourage progress of both the residential districts and main mixed use commercial districts of the LAP where achievement of the phasing priorities (points 1-7) are demonstrated.” As a result, it is not considered that a material contravention in relation to phasing of the LAP occurs.

6.0 Relevant Planning Policy

6.1. National Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.2. Project Ireland 2040 - National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled ‘People Homes and Communities’. It includes 12 objectives among which:

National Policy Objective 13 - In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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

National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.3. **Regional Policy**

Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) 2019-2031.

MASP Housing and Regeneration policy object RPO 5.4 states that “Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities”

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

be supported by a quality site selection process that addresses environmental concerns”

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartments Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

6.4. **Local Policy**

Dublin City Development Plan 2017-2022

The City Development Plan identifies the North Fringe Clongriffin and Belmayne areas as a key Strategic Development and Regeneration Area (SDRA 1) with the area around the Malahide Road junction R107/R139 identified as a Key District Centre.

The development site has the zoning objective Z14: ‘To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses.’

Development Plan Map J- Strategic Transport and Parking Areas. Site is located in Area 3. Development plan table 16.1 permits a maximum provision of 1.5 no. car parking spaces per residential unit in Area 3.

Belmayne Clongriffin Local Area Plan 2012-2018 (as extended until 2022)

The development site is located within Phase 4 of the LAP. The following objectives are noted in relation to the development site:

- The Movement and Transport Strategy indicates the continuation of Belmayne Main Street westwards to meet the Malahide Road/R107.

- North Fringe Key District Centre (KDC) at the R139/ R107/Malahide Road junction including the undeveloped lands to the south and west of the development site. This area is to have a higher order retail/commercial status.
- 4-5 storey height along Main Street
- Indicative density 50 units/ha.

Belmayne Town Centre and Belcamp Lane Masterplan (draft)

This non-statutory draft masterplan remains as such, having been published as a draft document in July 2020, no further updates on progress available.

7.0 Observer Submissions

- 7.1. Three submissions were received, two from local residents and a third from Inland Fisheries Ireland. One submission was supported by 53 individuals. In general, the issues raised by observers revolve around the impact of the development on sunlight and daylight because of the height of buildings proposed, the strain that will be placed on existing facilities such as parks and that the low level of car parking will impact on the existing parking situation which is quite poor at present. The issues can be summarised as follows:

Daylight & Sunlight – the proposed development will have adverse impacts on adjoining residences, for example; units along Churchwell Road will have their VSC significantly reduced, and APSH will not be met in many cases. Existing houses along Churchwell Road already have significantly low levels of natural light.

Amenities – the proposed residential development will not deliver a mix of community uses as set out by the Development Plan SDRA 1 under development principle 2 'To achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities'. Local parks and play areas are already busy and some new spaces would be beneficial.

Parking and Roads – the proposed development will increase traffic (by 8.36%), car parking will become a problem due to the lack of visitor spaces and construction traffic will be a significant nuisance.

Green areas and sustainability – the proposed development should include more sustainable drainage solutions and more varied planting to encourage biodiversity.

Part V – social and affordable housing should be distributed throughout the development, not in a single location.

Public Transport – local buses are often full at peak times and the nearest Dart Station is a 30 minute walk away.

- 7.2. Inland Fisheries Ireland (IFI) have made a submission as follows: The Mayne River system is nearby, and salmonid species may be reintroduced, European Eel and other fish species are present. Therefore, adequate measures to control pollution/sediment should be utilised during construction phases and when the development is operational. Works should be in line with a Construction Management Plan. Surface water design and any outfalls should have detailed design and method statements in with IFI standards. I note the comments made by IFI and their requirements will be included as appropriate.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 23 June 2021. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. A summary of the views of elected members as expressed at the North Central Area Committee Meeting on Friday 28 May 2021 is appended to the Chief Executive's Report and summarised below.

- Proposed heights contravened the Development Plan. Proposed blocks are too close together and the number of single aspect units is not acceptable.
- Car parking is an issue in the locality, where conflicts often arise, however, the provision of undercroft parking is a good idea.
- There are not enough community facilities in the area, commercial and retail facilities are also lacking. This would compound the problem of more dependence on car borne transport to access facilities further afield.

- The area of play space is questioned and so too is the management of the communal spaces. The proposed development will not improve the public realm. All ground floor units will look across a car park and this is not satisfactory.
- Locating Part V housing in one area is not a good idea, but glad the proposal is not build to rent.
- Taking in charge has been an issue for Belmayne and should be considered in the current proposal too.

8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

8.3. Principle – Zoning and Site Designations – In terms of the Dublin City Development Plan 2016 – 2022, the site is located in an area with zoning objective Z14: ‘To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses.’ The site is also located inside both the North Fringe Strategic Development & Regeneration Area (SDRA 1), and mostly inside the North Fringe West Key District Centre (KDC) 1 (where Z4 uses are deemed appropriate).

The site is also located within the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (‘the LAP’) (DCC extended the life of the LAP to 2022 in November 2017).

The subject site is located within Belmayne Next Phase 4 of the LAP’s ‘Long Term Phasing Strategy and within the 2020 Draft Belmayne & Belcamp Lane Masterplan. The proposed development is generally consistent with the Development Plan’s and LAP’s objectives (as amended by national guidelines), and those of the Draft Belmayne & Belcamp Lane Masterplan.

Density - As per section 7.6 of the LAP, the overall average density target was 50 units per hectare (uph), depending on location target densities should not be seen as a limiting factor. Under the Draft 2020 Belmayne and Belcamp Lane Masterplan in which the subject SHD site is located the site would be assigned with a target density of 250uph, the proposal is for c.218.5 units per hectare (net). The site has almost full site coverage and a high plot ratio, the CDP acknowledges that plot ratios

can increase depending on location. The proposed density is acceptable, given current and planned development for the area and recent permissions for higher density development in the wider area. Increased density means a greater population base and encouragement for the currently stalled and long emerging mixed-use portion of KDC 1 and in particular the adjacent future development of Belmayne Town Centre.

Design and Integration – a perimeter block layout is planned for this area by statutory and draft plans. The Transport Planning Division of DCC have sought an access route along the western boundary of the site. The development plan limits height to 16 metres, but there are no specific height objectives for this location within the LAP. The draft masterplan also reorganises building heights across the area. The PA have no objection to the proposed heights in themselves within a higher density KDC location. In urban design terms the applicant's graduated-height approach is agreed with. Subject to consideration of impacts upon privacy as well as access to daylight and sunlight it is considered that the south western corner of the subject scheme has particular scope to accommodate some form of local landmark element. Overall it is considered that the proposal acts as a transitional area between the long developed Belmayne Cells and the proposed developments in the masterplan. In form and layout terms the proposal is acceptable, to tackle some areas less well lit, minor amendments in finishes are recommend. In terms of landscape design, some surface vents from the undercroft car park may present problems that need to be addressed and more roof terraces could be provided.

Unit Mix/Schedule of Accommodation – unit mix is noted. Internal apartment standards are acceptable, though it is noted that some apartments receive less light or have a poor outlook than others and some adjustment may be necessary, mainly to do with vent position. Private amenity space is generally acceptable, though at some locations where there are interfaces between apartments and public areas, some privacy screening may be necessary.

Social Audit (community infrastructure/services) – submission of Social Infrastructure Capacity Report is noted, no amendments to the scheme are recommended.

Childcare – the applicant's calculations regarding the lack of any need for on site childcare facilities are noted.

Communal open space – the applicant has provided a sufficient amount of communal open space, its layout and form is acceptable.

Public open space – no public open space is proposed on site and the applicant's willingness to submit a condition requiring a payment in lieu is noted.

Overlooking and Privacy – proposed separation distances are noted are mostly acceptable. There are some areas where apartment units may present privacy issues and obscured glazing should be considered (a number of units are listed). Impacts in relation to sunlight/daylight, glare/dazzle and light pollution are noted.

Safety, security, noise and odour issues are not seen as problematic. There are no archaeological matters to consider. Part V proposals are noted and will be subject to agreement.

Traffic/Access/Parking – serious concerns are expressed in relation to the proposed road layout and the delivery of an acceptable local road network. The design and layout of the proposal will need to be revised to facilitate the new north south Local Access road along the western boundary of the site as a requirement of the Draft Belmayne & Belcamp Lane Masterplan and the existing LAP. The reduced quantum of car parking is noted, subject to proper management it is acceptable. Cycle parking is adequate and all other matters to do with traffic and transportation are acceptable. Subject to modifications to achieve a satisfactory a new local access road, the proposed development is acceptable.

EIA screening and AA screening reports are noted.

Conclusion

The planning authority recommend a grant of permission subject to 19 conditions, some recommending modifications outlined above. Most conditions are standard and of a technical nature and conditions with regards to bonds and contributions are recommended.

8.4. **Departmental Reports (City Council)**

DCC Parks & Landscape Services

- No objection subject to conditions.

Transportation Planning Division

- The provision of a new local access road is a requirement set out in the Draft Belmayne & Belcamp Lane Masterplan, amended plans recommended.
- No objection subject to conditions.

DCC Drainage

- No objection subject to conditions.

Housing & Community Services

- The applicant has previously engaged and is aware of Part V obligations.

Environmental Health Officer

- No objection subject to conditions.

Waste Regulation and Enforcement Unit

- No objection subject to conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 27 April 2021. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water** - confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. However, given that connections must be made via piped networks that are in third party ownership specific conditions are recommended.
- **Transport Infrastructure Ireland (TII)** – No observations.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses the proposed development in the context of the statutory development plan and the local area plan. My assessment also focuses on national policy, regional policy and the relevant section 28 guidelines. In addition, the assessment considers and addresses issues raised by the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Material Contravention Statement
- Design and Layout
- Residential Amenity
- Traffic and Transport
- Infrastructure
- Childcare Facility
- Other Matters

10.2. Principle of Development

10.2.1. The application site is zoned Z14 under the Dublin City Development Plan 2016-2022. The land use objective in Z14 is to “To seek the social, economic and physical development and / or rejuvenation of an area with mixed use of which residential and ‘Z6’ would be the predominant uses.” Residential is a permissible use in this land use zoning. The site is also located within the North Fringe Strategic Development and Regeneration Area (SDRA 1) and within the North Fringe West Key District Centre 1 (KDC1) of the City Development Plan. The site also lies within Belmayne Next Phase 4 of the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012-2018 (extended to 2022) and located within the 2020 Draft Belmayne and Belcamp Lane Masterplan. The planning authority acknowledge that the principle of residential development at this location is acceptable. There is no opposition to residential

development at this location from observers, who acknowledge that residential units were always planned for this area. I am satisfied that a residential scheme proposed by the applicant will not adversely impact on the objectives of the City Development plan or LAP for the site. Given the foregoing, I am of the opinion that the proposed development cannot be considered to materially contravene the Development Plan in relation to the zoning of the land and permission could be granted subject to the other considerations and assessments below.

10.3. **Material Contravention Statement**

- 10.3.1. The applicant has prepared a material contravention statement that addresses the possibility that the proposed development could materially contravene the Building Height, Residential Density, Public Open Space, Car Parking, Unit Mix and Phasing objectives of the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (extended until 2022). I address each of these elements in the following sections of my report.
- 10.3.2. **Building Height** – the applicant recognises that the proposal for apartment buildings of two and up to seven storeys could materially contravene the section 16.7 of the City Development Plan that outlines the building height strategy for the City Council area, “outer city” locations are limited to 16m building height (5 storeys residential). The applicant highlights that, Policy UD07 of the Clongriffin-Belmayne LAP allows up to six storeys depending on design as does the Draft Masterplan for the area (Belmayne and Belcamp Lane). The proposed development comprises an apartment block ranging in height from 2 to 7 storeys, and so according to the applicant this represents one storey higher than the maximum height prescribed in the LAP. The applicant applies section 28 guidelines to rationalise the taller building elements proposed, specifically the development management criteria contained in section 3.2 of the Height Guidelines.
- 10.3.3. The planning authority note that the building heights proposed would contravene the City Development Plan but they state that the LAP does not define heights at this location. The Draft Masterplan is mentioned by the planning authority in terms of heights of up to six storeys in the Main Street area and the possibility of an eight storey landmark building south east of the site. The planning authority state that they raise no significant issues to do with the heights proposed at this KDC location, but

note that there are important residential amenity considerations to take into account. It is the issue of overshadowing, loss of light and privacy concerns that are raised by observers and this is directly related to the heights proposed, I deal with these particular concerns at the residential amenity section of my report.

10.3.4. In terms of the form and scale of the development proposed I note that the Urban Development and Building Heights Guidelines link building height with achieving higher residential densities. This is clearly set out in a specific planning policy requirement (SPPR 4) as follows:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;

10.3.5. The height guidelines observe that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. Additionally, SPPR 4 of the Height Guidelines requires that in future residential development of greenfield or edge of town locations, planning authorities must secure the minimum residential densities for such locations as set out in the Sustainable Residential Development in Urban Areas guidelines. The height guidelines also state that development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Based on this assumption the applicant makes the case that it is appropriate to contravene the development plan in line with national guidance. Some local observers are not satisfied that it is appropriate to locate taller buildings on the site especially where they will impact upon residential amenities such as access to light and overshadowing.

10.3.6. The building heights proposed by the applicant range from two storeys to seven storeys. The taller seven storey elements are to be found along the southern boundary of the site along Main Street, with four storey elements along Churchwell Road to the north. The layout is one full block punctuated by height at several locations and best described by its core locations numbered 1-6. I note that section 3.0 of the Building Height Guidelines set out development management criteria in order to assess the appropriateness of taller buildings at a set location, section 3.2 of the guidelines refer. The following sections of my report assess the proposed development against these criteria as follows:

10.3.7. At the scale of the relevant city/town – the site is well served by pedestrian/cyclist connections to the wider area, there are many off road footpaths/cycle paths through large areas of waste ground, that will in turn be developed for residential/commercial uses. In addition, there are frequent bus services at the termination of these footpaths/cycle paths where they join the Malahide Road and the R139. The taller elements of the scheme, up to seven storeys are located at the southern end of the site. This location adjoins the Main Street, a street that is wider than neighbouring streets and which requires a strong urban edge. The heights along Churchwell Road to the north of the site are punctuated by three 4 storey blocks joined at ground floor level by a single storey connection. There are no architecturally sensitive areas or protected landscapes in the immediate vicinity. The site is flat and level with no challenging topography to deal with, but buildings have been graduated in height to meet existing apartments to the north and east. The proposed development will 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 nearby development.

10.3.8. At the scale of district/ neighbourhood/ street – a new street network will be developed, and an improved public realm will result from the scheme. In design terms the overall layout, scale and design of the apartment buildings will not result in long, uninterrupted walls of building in the form of slab blocks. Instead, the design of the apartment buildings has been broken up and materials are well selected and appropriate. The urban design of the entire scheme is well considered and there are no flood risk issues as demonstrated by the findings of the FRA submitted with the application. Overall, the proposal makes a positive contribution to the improvement

of legibility through the site and wider urban area. The proposal positively contributes to the mix of dwelling typologies available in the neighbourhood.

10.3.9. At the scale of the site/building - The form, massing and height of the taller elements have been designed to provide adequate levels of daylight and sunlight for future occupants and the design has been sensitively arranged to provide adequate levels of sunlight/daylight to existing neighbouring properties. This has been modelled and demonstrated in the Daylight/Sunlight and Overshadowing analysis carried out by the applicant in accordance with BRE/BS guidelines, this is examined in detail in the following sections of my report.

10.3.10. The applicant has also prepared specific assessments to support the proposals for taller elements at the western end of the site. These assessments include: Architectural Design Report, Landscape and Visual Impact Assessment, Daylight Sunlight and Overshadowing Assessment, Photomontage and CGI images. There are no air navigation concerns in the area, Dublin Airport is located 5 kilometres to the north west. In this regard I note that the City Development Plan does not highlight any constraints in relation to development and Dublin Airport, other than that DCC lands are located within Dublin Airport's Outer Noise Zone. In this context a number of policies and objectives are referenced in relation to the preservation of air and noise quality in the city. In any case I have received no observations that highlight any issues to do with air navigation concerns. Having regard to the distance from the airport, the relative heights and lack of any specific airport constraints highlighted in the statutory plan, I am satisfied that this is not a material consideration such as would warrant a refusal or redesign of the proposed development. I am satisfied that the location and design of the taller elements of the scheme, with some parts of up to seven storeys along Main Street is acceptable and accords with the requirements of SPPR 3 and crucially the wider strategic and national policy parameters set out in the National Planning Framework and section 28 guidelines.

10.3.11. I conclude that the proposed development would materially contravene the City Development Plan in relation to height, as articulated by section 16.7, that outlines the building height strategy for the City Council area, "outer city" locations are limited to 16m building height (5 storeys residential). However, I am satisfied that the Board can grant permission in accordance with section 37(2)(b) of the Planning

and Development Act 2000 (as amended), paragraphs (i) and (iii). In terms of section 37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016. Also noted in relation to height the National Planning Framework that highlights National Policy Objectives (NPOs), as follows:

National Policy Objective 13 - In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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

This site is just such a case where, subject to performance criteria, taller buildings should be considered.

10.3.12. Finally, and in relation to the Urban Development and Height Guidelines SPPR 3, I have demonstrated by applying the development management criteria set out in section 3.2 of the guidelines that the proposed development will provide an effective mix of 2, 3 and 4-storey development which integrates well into the existing neighbourhood and that 4 storeys or more can be accommodated alongside existing larger buildings and along wider streets.

10.3.13. **Residential Density** – The proposed development is for 260 dwelling units (apartments) over a site area of 1.31 hectares, this results in a gross density of 198 dwelling units per hectare. The difference between gross and net density on this site is minimal as there are no planned major/local distributor roads; primary schools, churches, local shopping etc; open spaces serving a wider area; or significant

landscape buffer strips. The applicant states that within chapter 16 of the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (extended until 2022), a density range of 50-60 units per hectare is indicated. However, the Draft Belmayne and Belcamp Lane Masterplan identifies that the subject site is in Residential Area A and is considered suitable for a residential density of c. 250uph. The applicant contends that a material contravention of the LAP in relation to density does not arise as a result of the proposed development.

10.3.14. The planning authority note that similar residential densities have been permitted within or close to the City Development Plan area objective KDC 1, similar to the subject proposal. The planning authority also interpret that the LAP does not limit residential density, though an average density target is mentioned, but should not be seen as a limit to density. In addition, the planning authority look to the Draft Masterplan, where target densities range up to 250 units per hectare are set out. Planning precedent for other SHD permissions in the area are noted and that the site is well placed to sustain higher residential densities. It is clear that the planning authority are in the process of adapting their planning objectives for the area in line with national guidelines on residential density and see no issues. Of note is that the planning authority highlight that the LAP does not place specific limitations on residential density but rather an overall average target minimum density for the entire LAP, that is now under re-examination under a Draft Masterplan for the area.

10.3.15. I note the position taken by the planning authority in relation to their own LAP and the emerging residential densities that are planned for the area. It is likely that a material contravention of the statutory plan will not occur, however, I note the target density of 50 units per hectare stated in the LAP. The 2020 Apartment Guidelines define Intermediate Urban Locations that accommodate wholly apartment schemes of greater than 45 units per hectare as being sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. This is such a site, with frequent bus services along the Malahide Road and R139. The subject site, as it is configured and laid out, provides a residential density that sits comfortably around the range advised by the guidelines for a public transport corridor or an intermediate urban location. This is achieved through a variety of dwelling types, again as advised by the guidelines. From a town planning point of view, I am satisfied that the proposed residential

density of up to 198 dwelling units per hectare is appropriate at this location. Such a density is not so out of place with the existing character of the area, I am satisfied that the density is not out of character to the extent that it should cause any concern or significant impact on the existing character (with the area well placed to accommodate a mix of densities throughout) and at the same time, I am of the opinion that the proposal at the density of 198 dwelling units per hectare makes the best use of zoned and serviced land. In summary, I note that planning authority do not state that the proposed residential density is a material contravention of the City Development Plan or LAP (or emerging masterplan) in terms of residential density, and I agree. The Development Plan allows for the plot ratio and site coverage proposed by the applicant, that in turn results in higher densities, the planning authority note and accept this. The LAP looks to an average density of 50 units per hectare, but this is averaged across the LAP lands and allows for higher densities at appropriate locations. I find that the proposed residential density of 198 units per hectare would not contravene the City Development Plan where section 16.4 of the plan states that proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. This has been demonstrated by the applicant. The LAP also allows for flexibility with the provision of higher densities and recognises that higher densities will be promoted within 500 metres walking distance of a bus stop and within 1km of the rail station. I am satisfied that the subject is a suitable location for higher residential densities as indicated by the City Development Plan and LAP where a flexibility towards residential density is set out and so a material contravention of the plan (Development Plan and LAP) does not occur.

10.3.16. **Public Open Space** - Section 16.10.3 of the Development Plan states that 10% of the site area shall normally be reserved as public open space. Only incidental public open space is proposed as part of the development, however, 2,945 sqm of communal open space will be provided for residents of the scheme. It is noted that the development plan allows for payment in lieu of open space and that the LAP and draft masterplan have been designed to allow for public open spaces in the wider area. The applicant notes that the proposal not to provide public open

space may contravene the Development Plan, but they will accept a condition for payment in lieu of public open space.

10.3.17. Observers note that existing public open spaces are well used at present and additional population could put strain on such facilities. The planning authority note that no public open space will be provided but state that the Development Plan allows for such eventualities and a payment in lieu would be accepted. It is my view that the Development Plan for the city is flexible in its approach to the provision of public open space. In addition, I note that the LAP plans for open spaces in the wider area and the Draft Masterplan appears to do the same. There are also existing parks in the wider area, and these are well used as highlighted by observers. However, improvements can be made and new parks delivered as part of a planned strategy for the wider area can be assisted by a payment in lieu as envisaged by the planning authority and the City Development Plan. I do not see that the statutory plans for the area will be materially contravened by the development as proposed because section 16.3.4 of the City Development Plan allows for a flexible approach to public open space, as follows: In the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required. The planning authority have agreed with this approach in their CE report.

10.3.18. **Car Parking** - The application site is located within Parking Zone 3 and has a maximum residential parking provision of 1 space per unit. Section 16.38 of the Plan reiterates that the parking standard is a maximum standard. The applicant states that a parking standard of 0.69 space per unit is acceptable (199 spaces for 260 units), below the City Development Plan standard, but in line with the Apartment Guidelines, that would apply to this site. Observers are very concerned that car parking will become a greater problem than it already is. In their mind, the lack of public transport and high car ownership already creates bad car parking habits and this will be made worse by the density of development and limited car parking spaces. The planning authority note that a reduced car parking quantum as sought by national guidelines may be acceptable but should be supported by a strong long term management plan. The planning authority do not state that a material

contravention of the statutory plan would occur in relation to the quantum of car parking proposed and I note that the car parking standards of the development plan set out maximum requirements not minimum. In that context I am satisfied that there would not be a material contravention of the plan in relation to car parking and I address other concerns with regard to parking more generally in relation to the Traffic and Transport section of my report.

10.3.19. **Unit Mix** – The applicant sets out that section 16.10.1 of the Dublin City Development Plan 2016-2022 states that, in proposals of 15 units or more, each apartment development shall contain: a maximum of 25-30% one-bedroom units and a minimum of 15% three- or more bedroom units. SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). An HNDA has not been prepared by the planning authority and so the proposed development includes 41.5% one bed units, 51.9% two bed units, and 6.5% three bed units in accordance with national policy. The planning authority note that the unit mix aimed for in the Development Plan have been superseded by the requirements of the Apartment Guidelines and acknowledge that the applicant's proposal is compliant with these guidelines. The planning authority do not oppose the unit mix proposed.

10.3.20. The planning authority do not explicitly state that the unit mix proposed would be a material contravention of the City Development Plan or LAP. Noting the existing character of the area I am guided by the Apartment Guidelines and advice in relation to meeting the need to facilitate a mix of apartment types that better reflects household demand and formation, SPPR 1 refers:

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

10.3.21. In this regard I note that the CE Report acknowledges that a HNDA has not been prepared to date. The proposed development would provide a greater mix of building heights and typologies or unit mix as sought by SPPR 4 of the Height Guidelines. In the context of this site the provision of apartment units between one, two and three bedrooms in format is entirely acceptable. The Apartment Guidelines in relation to unit mix look to a more informed approach (HNDAs), the planning authority see no issue with what is proposed but I note that the statutory plan would be contravened by the development as it is proposed. The City Development Plan, under section 16.10.1 *Mix of Residential Units*, states that:

Each apartment development shall contain:

- A maximum of 25-30% one-bedroom units
- A minimum of 15% three- or more bedroom units

These maximum and minimum requirements apply to proposals of 15 units or more and may not apply to certain social housing needs and/or where there is a need for a particular form of housing for older people and students having regard to the housing strategy.

The unit mix proposed by the applicant is as follows:

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	108	132	17	260
% of Total	41.5%	50%	8.5%	100%

10.3.22. It can be seen that the applicant's unit mix does not accord with the City Development Plan, but it does meet the requirements of SPPR 1 of the Apartment Guidelines. I am satisfied that the proposed development is in line with the advice contained in the Apartment Guidelines with respect to unit mix, despite contravening the statutory plan and permission could be granted.

10.3.23. **Phasing** - The subject lands are located in an area identified as Phase 4 in the LAP. Permissions have been secured for Phases 1 and 2 and are nearing completion. Permissions have also recently been granted for other Phase 3 and 4 lands of the LAP within the Parkside development area to the east but have not yet

commenced. The subject site is the only undeveloped area of the Belmayne development block which remains to be complete. The completion of this will enable the release of phase 5 lands, and Belmayne Town Centre to the west. Due to PART VIII works for the Main Street, a small area of Phase 1 lands remain to be completed. Section 16.2 of the LAP states that the phasing sequence is “flexible to encourage progress of both the residential districts and main mixed use commercial districts of the LAP where achievement of the phasing priorities (points 1-7) are demonstrated.” As a result, it is not considered that a material contravention in relation to phasing of the LAP occurs.

- 10.3.24. The planning authority do not mention any concern about the impact of a material contravention of the LAP with regard to phasing and note that Cell P4 represents the last undeveloped corner of the Belmayne scheme north of Main Street.
- 10.3.25. In terms of phasing I have no concerns that the proposed development will ‘leapfrog’ other sites, quite the reverse, the development of this site will enable other sites to come on stream and allow the Main Street to be properly progressed in line with a Part VIII consent. Crucially, I note, as does the applicant, that the phasing strategy in the LAP has an in-built flexibility to allow other sites to progress in a logical fashion. Hence, I do not see that the LAP will be materially contravened in relation to phasing should permission be granted.
- 10.3.26. The applicant has identified six areas, where they think that a material contravention of the statutory plan occurs. The anticipated material contraventions occur in relation to the City Development Plan objectives and concern Building Height, Residential Density, Public Open Space, Car Parking and Unit Mix. The applicant also sees a material contravention in relation to the Phasing objectives of the Clongriffin-Belmayne Local Area Plan 2012 - 2018 (extended until 2022). The planning authority are not so definitive in their analysis about where the proposed development would materially contravene the City Development Plan or LAP but do agree that Building Height (section 16.7) and Unit Mix (section 16.10.1) would contravene the City Development Plan.
- 10.3.27. The planning authority set aside the phasing strategy issue, public open space requirements, car parking requirements and residential density, because

these objectives allow for flexibility in both the City Development Plan and LAP. I am of the same mind as the planning authority in relation to where the proposed development would materially contravene the development plan and it is solely in relation to building height and unit mix, section 16.7 and section 16.10.1 of the City Development Plan refer.

- 10.3.28. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 10.3.29. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.
- 10.3.30. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.
- 10.3.31. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:
- (i) the proposed development is of strategic or national importance,*
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
 - (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local*

authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

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

10.3.32. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

10.3.33. In relation to section 37(2)(b)(i), the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and the proposal could therefore be considered to be strategic in nature. Given the site's location within the 'Clongriffin-Belmayne' area, designated as a Strategic Development and Regeneration Area (SDRA 1 - North Fringe (including Clongriffin/Belmayne) and a key district centre (KDC 1) in the Dublin City Development Plan 2016-2022, the application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016. Finally, the subject site is located within a Strategic Development and Regeneration Area 1, that in itself implies strategic importance that elevates it above other residentially zoned lands contained in the development plan.

10.3.34. In relation to section 37(2)(b)(ii), the matter of conflicting objectives in the development plan, I note that section 16.7 of the City Development Plan sets a limit of 16m building height (5 storeys residential), but Policy UD07 of the Clongriffin-Belmayne LAP allows up to six storeys depending on design. The statutory plan contains conflicting objectives for the area, I recommend the Board invoke section 37(2)(b)(ii) of the Act in this instance.

10.3.35. In relation to section 37(2)(b)(iii), regional planning guidelines for the area, I note that the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs and this often results in taller buildings.

10.3.36. I consider the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13

and NPO 35. The proposed development is furthermore in compliance with the Urban Development and Building Height Guidelines in particular SPPR 3, which references section 3.2 Development Management Criteria. I have assessed the proposed development against the section 3.2 criteria of the guidelines in preceding sections above. In terms of unit mix, I note that in this instance the proposed development meets the requirements of SPPR 1 of the Apartment Guidelines. Having regard to the provisions of Section 37(2)(b)(iii), it is justified, in my opinion, to contravene the Dublin City Development Plan 2016-2022 in relation to height and unit mix.

10.3.37. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan where taller buildings were proposed, I am aware of recent planning permissions for strategic housing granted in the wider area. For example: at Clarehall for a 132-unit BTR scheme, which had a building up to 9 storeys or 29.25m high (ABP-304196-19 refers), while a 331-unit BTR development close by at Newtown, Malahide Road had buildings that ranged between 8 and 10 storeys or 31.8 metres high (ABP Ref. 305943-19 refers). The current proposal is similar in height terms to recently permitted development and broadly meets with the planned objectives for the area and so section 37(2)(b)(iv) of the Act could be invoked in this instance.

10.3.38. Section 37(2)(b) of the 2000 Act sets out four criteria, to allow the Board to consider permitting a development that poses a material contravention of the operative plan other than in relation to the zoning of the land. Should the Board be minded to initiate the material contravention procedure, as it relates to Development Plan policies pertaining to building height and unit mix, I consider that the provisions of Section 37(2)(b)(i), (ii), (iii) and (iv) have been met, and in this regard I consider that the Board could grant permission for the proposal.

10.3.39. I am of the opinion that given its zoning, the delivery of residential development on this well located and serviced site, in a compact form comprising well-designed, higher density units and taller buildings comprising apartments would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in an accessible location; it is within easy walking distance of public transport in an existing serviced area. The proposal seeks to widen the housing mix within the general area and would improve the extent to

which it meets the various housing needs of the community. The principle of higher residential densities and some taller buildings is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

10.4. Design and Layout

- 10.4.1. The layout of the proposed development departs from the perimeter block style envisaged in the Clongriffin-Belmayne LAP and the planning authority note this departure but do not criticise it. The applicant's Architect's Design Statement explains why a broken perimeter block with a north/south subdividing spine is more appropriate as it provides two communal courtyards and increases residential density. The Design Statement identifies the main constraints of the site that lie to the north and east and these are noted as the existing residential development at Churchwell Road (Avenue) and Churchwell Crescent. The Design Statement sets out how to protect the amenities of neighbouring development and this has driven the design. This is achieved through gaps along the north and south elevations to improve daylight and sunlight penetration and to modulate the massing of the block. In addition, by introducing gaps in the block and stepping the façade line a greater area of streetscape with pockets of soft landscaping would reduce the shadowing impact of the new building on the existing residences to the north, as stated by the Design Statement.
- 10.4.2. Observers do not entirely disagree with the design and layout of the scheme, however, their concerns revolve around the building heights along Churchwell Road, Avenue and Crescent; the greatest potential for impact being that from overshadowing and loss of light. The planning authority also raise these issues and I deal with them in more detail within the Residential Amenity section of my report.
- 10.4.3. In terms of the site wide aspects of design and layout, I do not have any significant concerns. It is appropriate to line Main Street with taller buildings that punctuate the street and this is best illustrated by cross section D-D and accords with what is envisaged for the area in the LAP. All the boundaries of the site have a strong built edge positioned behind a landscaped privacy strip to the back of the footpath. The exterior design of units is of a modern and contemporary style, common to many apartment schemes and builds on the palette of materials already used in the area.

The planning authority highlight that the materials within the courtyards should be a lighter coloured brick rather than render which can age badly, this can be addressed by condition. I find that the architectural treatment of the apartment block as a whole to be satisfactory and a will present modern extension to the grid layout of Belmayne. The use of mainly brick finishes of varying hues to the external elevations of the apartments is appropriately robust and should age well with little maintenance.

10.4.4. I can appreciate that the introduction of a central spine through the site along a north/south axis will create two courtyards but will primarily be a device to increase residential density. In terms of design and layout this central spine feature will not detract from the visual amenity of the area as viewed from the street. I can see that the subdivision of what would be a large single communal space in to two lesser courtyard spaces will place pressure on the amenities associated with the courtyard spaces and the apartment units at the interfaces. I look at this in greater detail in the Residential Amenity section of my report, but in principle I am not opposed to the design and layout as proposed.

10.4.5. In terms of how the two central courtyard spaces will work from an amenity perspective, I can see that passive supervision of these spaces is entirely acceptable. The spaces are well overlooked and will be safe and secure places to play or sit and relax. According to the applicant's Daylight & Sunlight Assessments, 100% of the amenity area would have sun on the ground for in excess of 2 hours of sunlight on March 21st, section 6 refers. Figure 19 illustrates this finding and shows how the reductions in height at S1 and S2 allow this to happen. The corollary of this is that if the entire southern perimeter of the site were to be built up then perhaps there would be a greater area that falls below the minimum requirement advised by the BRE guidelines. On balance, and purely in relation to the shared amenity of the proposed courtyard spaces, it appears that an acceptable level of direct sunlight will penetrate the area in an around the vernal equinox, I am satisfied with this design arrangement.

10.4.6. In terms of the provision of public open space, I note the concerns expressed by observers about existing open spaces and how well they are used and I also note the views expressed by the planning authority. Given the design of the application site, the CE Report states it is acceptable to accept a contribution in lieu of open space, which I concur with. The applicant agrees with this approach and notes that

general improvements in the public realm will add to incidental improvements in the area.

10.4.7. I note Dublin City Council adopted on 2nd March 2020 its current development contribution scheme, 'Development Contribution Scheme 2020-2023'. Section 10 of the document relates to 'Contribution in Lieu of Public Open Space'. The plan states

The Dublin City Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the public open space requirement for a particular development. The Plan provides that in the event of the planning authority considering a site to be too small or inappropriate to fulfil Dublin City Development Plan requirements for public open space provision a financial contribution of €4,000 per unit towards provision of or improvements to a park and/or enhancement of amenities in the area in line with the City's Park Strategy shall be required.

10.4.8. In the interest of clarity, I suggest, should the Board be minded to grant permission, a condition in this regard under section 48 of the Planning and Development Act could be attached to any permission.

10.4.9. Overall, I find the layout of the scheme to be entirely logical given the urban grid form of Belmayne. The proposed site is laid out as a perimeter block in the first instance common to existing development in the area. The design departs from the existing urban condition by introducing a centralised north/south spine and this has achieved the increased residential densities that may be expected at this location.

10.5. Residential Amenity

10.5.1. As with any residential scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is a very strong consideration. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority recommend that some private amenity areas are adequately screened to avoid ad-hoc arrangements once occupied. There are also concerns about separation distances and overlooking, a number of units are identified where this is a problem

and solutions suggested. The internal layout of some common areas and corridors in particular are highlighted for minor amendment to protect privacy. Observers are also concerned about how their property will be overlooked and overshadowed by the proposed development. The applicant has submitted a variety of architectural drawings, sunlight/daylight analysis, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

Proposed Residential Amenity Standards

- 10.5.2. The proposed development comprises 260 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in single distinct block, sitting on a central podium and maintaining a built edge to the perimeter of the site. The building heights range between two and seven storeys. The applicant states that all of the apartments exceed the minimum area standard. The applicant has also submitted a Schedule of Accommodation and Housing Quality Assessment, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima. In summary, it is stated that 200 units (77%) exceed the minimum floor area requirement by more than 10%, 136 units (52%) of units are described as dual aspect and all balcony/patio areas meet minimum requirements. I have interrogated the schedule of floor areas presented by the applicant and found these figures to be accurate. I am satisfied that the dual aspect design advanced by the applicant is acceptable and will provide satisfactory apartment units with adequate outlook and private amenity spaces are of a satisfactory size.
- 10.5.3. Dwelling Mix - The proposed development provides 108 one bed units (41.5%), 135 two bed units (52%) and 17 three bed units (6.5%). The amount of one bed units is significantly below the upward amount of 50% allowed for in the guidelines, with 41.5% of the total proposed development as one bed units. In my opinion the introduction of one, two and some three bedroom units will satisfy the desirability of providing for a range of dwelling types/sizes, having regard to the character of and existing mix of dwelling types in the area. Specific Planning Policy Requirement 1 is therefore met.

- 10.5.4. Apartment Design Standards - Under the Apartment Guidelines, the minimum gross floor area (GFA) for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m, Appendix 1 *Required Minimum Floor Areas and Standards* of the Apartment Guidelines refer. The applicant states that this has been achieved in all cases and has been demonstrated in the Housing Quality Assessment (HQA) for apartments submitted with the application. Having reviewed the HQA, in terms of the robustness of this assessment and in the context of the Guidelines and associated standards, I would accept the applicant's analysis that the apartments are larger than the minimum standards by 10% amount in most of units provided, with all in excess of the minimum. I am satisfied that the proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the internal layout and floor areas of the apartments are satisfactory from a residential amenity perspective, SPPR 3 of the guidelines is met.
- 10.5.5. Dual Aspect Ratios – The applicant points out that 136 or 52% of units are dual aspect and that this exceeds the requirement for 50% at suburban or intermediate locations. The planning authority do not disagree and see some improvements to units that were of concern during the earlier versions of the scheme. Given the scale and design of the apartment block as it has been proposed, I can see that it has been relatively easy to provide a good level of dual aspect units. This has been achieved through short internal corridor lengths and numerous stair/lift cores, the orientation of all units is acceptable, with none suffering a suboptimal aspect, SPPR 4 of the guidelines is met.
- 10.5.6. Floor to ceiling height – the Planning Report that accompanies the application states that floor to ceiling heights of 2.7 metres are provided at ground level. In addition, sections show that the apartment block provides a uniform 3 metres between floors across the site. This is acceptable and in accordance with SPPR 5 of the guidelines.
- 10.5.7. Lift and stair cores – no more than 10 units are served by a lift/stair core and this is acceptable, SPPR 6 of the guidelines is met.

- 10.5.8. Internal storage space is provided for all apartments at a minimum of 3 sqm and up to 10.2 sqm in one case. Private amenity spaces exceed the minimum area required by the Apartment Guidelines (5 sqm for a one-bed, 7 sqm for a two-bed unit and 9 sqm for a three bed unit). A large corner amenity space of (314 sqm) has been provided at the south western corner of the site, the space comprises leisure/tea room, entrance/concierge area and multi-purpose room. The design takes into account security considerations with good levels of passive surveillance and accessibility to communal areas and amenity space. All of these features have been provided as part of the overall scheme and comply with the advice set out in sections 3 and 4 of the Apartment Guidelines.
- 10.5.9. Building Lifecycle Report - I note that the Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 10.5.10. Overlooking/Privacy - The planning authority have raised an issue in relation to the proximity of some units and privacy concerns, adequate screening of balconies and some common areas is recommended. Reconsideration of podium level venting to undercroft car parking spaces is also recommended. In particular, the planning authority have concerns about the proximity of secondary bedroom windows and balcony spaces, and also that all screens should be opaque rather than clear glass. There is also concern with regard to the height of side screens to some balconies and the potential for privacy issues close to stair/lift cores. I have considered the interaction and proximity of the units identified by the planning authority and do not consider that any adjustment of amendment is necessary. Given the urban setting and the opportunities for dual aspect that have been taken advantage of by the designer, I am satisfied that a ninety degree angle of difference between outlooks and the separation distances involved, the proposal is acceptable and will not compromise residential amenity for future occupants.

Sunlight/Daylight Analysis – future occupants

10.5.11. Section 6.6 of the Apartment Guidelines and Section 3.2 criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. When taking into account sunlight and daylight analysis the guidelines refer to the Building Research Establishments (BRE) and BS standards/criteria for daylight, sunlight and overshadowing. The applicant has submitted a Daylight/Sunlight Assessment prepared by Digital Dimensions, according to the report, the calculation methodology for daylight and sunlight is based on the British Research Establishments “Site Layout Planning for Daylight and Sunlight: A Good Practice Guide” by PJ Littlefair, 2011 Second Edition. The report sets out to record and analyses the following:

- Daylight to existing dwellings,
- Sunlight,
- Sunlight to gardens and open spaces,
- Daylight in the proposed development,

10.5.12. The applicant chose to test all habitable rooms on the ground, first and second floors. The applicant’s report concludes that of the rooms assessed exceed the minimum recommendations for the Average Daylight Factor and will be well daylight. 99% of rooms meet the target ADF values of 2% for living/ kitchen spaces and 1% for bedrooms and 100% of the rooms meet the target ADF of 1.5% for living rooms. The majority of apartments not only meet but greatly exceed the ADF target set out. The report underlines that the BRE guide states:

“The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design.”

10.5.13. In this regard I also note that section 3.2 of the Building Height Guidelines allows for flexibility in the application of technical guidance if compensatory design solutions are clearly identified and set out. The applicant states that the apartments are oriented in a north south direction, so they have maximum solar gain with residential units generally facing east or west. This ensures that the units and their

associated private open space benefit from sunlight throughout the day. The report seeks to show that the proposed development has a negligible daylight or overshadowing impact to surrounding properties. The applicant explains that corner units are triple aspect and windows are generously sized to illuminate internal living spaces. Slots in the building form will enhance the daylight/ sunlight penetration into the courtyards.

10.5.14. In the preceding sections I have summarised the applicant's approach to assessment of the site in terms of sunlight/daylight. The applicant has utilised the advisory technical guidance such as the BRE documents and this is useful to help determine the impacts of new developments, for future residents. As we shall see they are an aid to assist with the evaluation of the daylighting and sunlighting of new developments. In the context of the proposed development and apartments in particular, daylighting is usually assessed by calculating the average daylight factor (ADF), a measure of the amount of daylight in proposed rooms, and it is this test that the applicant's assessment relies on for the proposed apartments. Recommended ADFs (as noted in the BRE/BS guidance documents) are noted as 1% for bedrooms, 1.5% for living/dining rooms and 2% for kitchens, and where the rooms are combined e.g., dining-kitchen room the higher value should be applied. As already noted, the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values to measure daylight, sunlight and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines state in paragraph 1.6 that:

“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”

10.5.15. Where daylight, as measured by the %ADF is below the target provided for in the technical guidance, the guidance allows for changes to the design (providing extra windows, roof lights or light pipes, or changing room layout) to meet the guidelines, and it is further noted that amenity features such as balconies which may reduce ADF should still be facilitated and their impact on ADF noted. I note that the Building Height Guidelines, similar to the approach taken in the BRE/BS documents, also state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this can be acceptable, but that where the requirements are

not met it must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and justification for the proposal in this regard must also be set out. I am satisfied that the applicant has done this, and this is considered in my assessment below.

10.5.16. Finally, I note the evolving nature of technical guidance in relation to sunlight/daylight analysis from publications such as: UK code of practice for daylighting BS 8206-2:2008, Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and now a British Standard EN 17037:2018 published May 2019 that deals exclusively with the design for and provision of daylight within commercial buildings and residential dwellings. Ultimately, I point out that such technical advice provides the basis for design choices and the inclusion of compensatory design solutions. Such choices and opportunities to justify a design approach are also allowed for by section 28 guidance, such as the Building Height Guidelines. Finally, and of relevance, the City Development Plan states that development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) in relation to residential amenity.

10.5.17. The overall design of the apartments includes a kitchen area within living rooms. In response to this common design feature, the ADF assessment and target value of 2% was selected for all the main living rooms because they contain a kitchen and the BRE guide and BS 8602:2 recommend that the higher value should be used where there are multiple uses in a room. In my view the applicant has selected a high bar to apply the ADF test across the site. As a result, nearly all of the habitable rooms across the three lower floors achieve excellent results, above the minimum target. Three of the living spaces on the ground floor are marginally below the target ADF value of 2% but all are above 1.9% which is in excess of the 1.5% for living and dining rooms and the guideline recommends where a kitchen is internal it should be connected to a well lit living space.

10.5.18. In assessing ADFs within the apartments it is noted that not all apartments were assessed, all habitable rooms of 126 out of 260 units were tested. I am satisfied that this is the norm/accepted practice within the industry. In principle, I accept that the ADF values improve with the higher the floor level due to increased access to the sky. Of the three rooms that fell below 2%, all are

living/kitchen rooms and the lowest recorded result was 1.9%. These units are located on the ground floor where a recessed balcony that responds to the street condition impacts on light penetration (units 158, 159 and 160). However, when combined with large area glazing, the easterly aspect and such a marginal 'fail', I am satisfied that the compensatory design solutions advanced by the applicant are clearly described and adequate. In this context, I remind the Board that section 1.6 of the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' allows for flexibility in design as natural lighting is just one factor in overall building design and layout. I am therefore satisfied that the compensatory design measures proposed by the applicant (large glazed areas, importance of decent balcony space and orientation) more than compensates for the very small number of units (less than 1% of apartments tested) that score below the guideline standard outlined for a kitchen.

10.5.19. With that in mind, I am also guided by section 3.2 of the Building Height Guidelines, and I am satisfied that good compensatory design solutions have been proposed and clearly identified by the applicant in the drawings submitted with the application. These compensatory design solutions include: large glazed areas, importance of decent balcony space and orientation; and so the penetration of light is satisfactory. In terms of meeting the objectives of good urban design the location and positioning of apartments ensures enlivened streets with good degrees of passive supervision and this is all clearly set out in the Architect's Design Statement. In my view the applicant has achieved tailored design choices that clearly show a balance between site specific constraints and the desirability of achieving wider planning objectives such as securing an effective urban design and streetscape solution. I see no advantage in omitting such a small number of units that do not meet the recommended % ADF target, when it is generally accepted as not being 100% achievable within apartment schemes, in particular for combined living room/kitchen. The Guidelines allow for flexibility for this reason. I would also note that such omissions would significantly adjust the architectural design of apartment blocks that have been directly conceived in response to achieving better urban design outcomes and undo careful compensatory design solutions such as large glazed sections, balcony areas and principal room orientation.

Existing Residential Amenity

10.5.20. I note that a number of observers have raised significant concerns about how the proposed development will take away the sunlight they currently enjoy in their living rooms and the impact that overshadowing will have. This is a principal objection about the development and it is directly related to the height of buildings along Churchwell Avenue and Churchwell Crescent. There are existing dwelling units along these streets that make up the eastern and northern boundaries of the site. In addition, there are some concerns from residents that overlooking will be a problem. The planning authority note these issues too, but on the whole are not so concerned that amendment or omission is considered necessary.

10.5.21. I have identified four areas where some impacts may be experienced by residents, and I assess if these impacts are acceptable or not. I also note that the applicant's Daylight and Sunlight Report has identified sensitive receptors, figure 2 refers. The areas I have selected are:

- Churchwell Avenue (Road) to the north of the site,
- Churchwell Crescent to the east of the site.

10.5.22. Taking Churchwell Avenue (Road) first, property along this street is primarily three storeys, positioned to the back of the footpath. The separation distance between these properties and the proposed development will amount to just over 15 metres. In between, there will be footpaths, parking spaces and a two way street, 15 metres is an acceptable separation between the front elevations of dwellings that face across from each other in an urban setting, I do not anticipate any major issues of loss of privacy as a result. Though the separation distance between the proposed development and property along Churchwell Avenue (Road) is 15 metres, the relative height of four storeys and the southerly aspect of existing residences brings issues of overshadowing to the fore. I examine sunlight/daylight impacts later in this section of my report.

10.5.23. Churchwell Crescent is located to the east of the site and will experience similar issues as Churchwell Avenue (Road) to the north. However, the apartment block along Churchwell Crescent is between four and six storeys in height and so the applicant has provided for a separation distance of over 18 metres between blocks. As explained above, a street, footpaths and landscaped margin will separate the front face of each block and I anticipate no significant issues in in terms of

overlooking. The primary issue, as above, is the impact of daylight sunlight and overshadowing.

Sunlight/Daylight and Overshadowing – Impact for neighbouring residents

- 10.5.24. To assess the impact on sunlight/daylight/overshadowing on neighbouring property the applicant has prepared a Daylight and Sunlight Assessment, with an overshadowing analysis. This report primarily assesses the impact from the development on neighbouring residences in terms of Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) where necessary. With respect to property at Churchwell Avenue (Road) and Churchwell Crescent, a VSC analysis was carried out to ascertain what impact is perceived. In order to analyse the VSC levels within the selected adjacent properties, all windows located on the southern and western elevations were modelled for each dwelling analysed, figure 2 of the report refers. Tables 2, 3 and 4 of the report provide the results of this analysis for Churchwell Avenue (Road) and tables 5 and 6 refer to Churchwell Crescent. In accordance with BRE/BS guidelines obstructions have been identified and modelled, the tables provide the existing situation with no development, with existing balconies removed, with the proposed development, with the proposed development and overhead balconies removed. Also included is an analysis of what the results would be if a masterplan for the area were to be implemented.
- 10.5.25. Included within the analysis is where the Vertical Sky Component with the new development in place is less than 27%, a ratio of 0.8 times the former value (or a value greater than 80%) has been applied. As stated by the applicant and as guided by BRE/BS guidance, a figure less than 80% would mean that existing habitable rooms are likely to appear more gloomy, and electric light will be needed more of the time. The effect of the proposed development would therefore be perceptible and result in either a slight to significant impact.
- 10.5.26. In order to categorise the varying degrees of compliance with the BRE/BS Guidelines when assessing the effect, a proposed development would have on the daylight and sunlight of an existing property, I have interpreted the values presented by the applicant's report in terms of the levels and significance of effect as listed in 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports'. In addition, I note the list of definitions given in Table 3.3: Descriptions of

Effects contained in the draft 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' prepared by the Environmental Protection Agency.

10.5.27. To preface, I should point out to the Board that the Sunlight/Daylight Report (that includes an overshadowing analysis) prepared by the applicant has been difficult to decipher with reference to Vertical Sky Component (VSC) and the impact for neighbouring development. I find that I can only rely on some findings as other results have been produced with little or no explanation. This has resulted in a report that is overwhelming supportive of the proposal, with very little impact to neighbouring residents. I am satisfied that I can sufficiently interpret the VSC results but also highlight areas of uncertainty, as noted by an observer and using room 12 as an example as follows:

- the existing situation, room 12 enjoys a VSC of 32.54%, better than recommended by BRE/BS guidelines.
- the existing with the balconies removed, room 12 improves very slightly to a VSC of 32.61%.
- with the proposed development in place, room 12 VSC has been reduced to 16.64%, a result that would require the application of the ratio test.
- The proposed development with no balcony, room 12 disimproves to a VSC of 13.7%, an unexpected result.

Application of the 0.8 times ratio test:

- Proposed versus existing – 51.1% a value that is less than 80% and so therefore below standard and result in a moderate impact.
- Proposed versus the average of all windows – my assumption is that other windows in the room have been tested, perhaps on the back face of the building but I am not certain of this, in any case a figure of 75.6% fails to exceed the minimum of 80%.
- Proposed versus existing with no balcony – 40.4%, again a surprising result given the removal of an obstruction.

10.5.28. The last seven columns of all tables that concern VSC provide figures in relation to a masterplan, possibly the LAP objectives for the area, but of this I am not certain. In nearly all circumstances the report returns figures that are favourable and above the minimum standards required by BRE/BS, but the origin of these results are difficult to trace and could therefore be misleading.

10.5.29. Churchwell Avenue (Road) - Firstly, I can see that the habitable rooms along the southern elevation of dwellings along Churchwell Avenue (Road) receive a good amount of light with many figures above the recommended 27% VSC, table 2, 3 and 4 refers. But there are also rooms (many living rooms) that fall significantly below the recommended 27% and this is because of a balcony projection above. The report notes that balconies and overhangs cut light from the top part of the sky and even a modest obstruction opposite may result in a large relative impact on the VSC. The guidelines recommend carrying out additional calculations of the VSC with and without the balcony in place for the existing and proposed conditions to show if the balcony rather than the obstruction are the main factor in the relative loss of light, and this the applicant has done. Though any descriptive or quantitative interpretation of how it is the obstruction rather than the proposal that is to blame for poor levels of VSC it is unclear to me.

10.5.30. In situations where a balcony overhang exists or other obstruction, the applicant has removed these obstructions and shown VSC results as if they were not in place. In all cases, the removal of obstructions resulted in a VSC greater than 27% and this is to be expected. The report then turns to provide a VSC figure with the proposed development and with the proposed development with the balcony/obstruction removed. With the proposed development in place, a satisfactory VSC of 27% is difficult to obtain, with 21 out of 74 achieving the recommended VSC. The proposed development without obstructions is also modelled, but VSC figures do not drastically improve with none meeting the recommended 27%. The applicant then moves on to test VSC and determine if the loss is less than 0.8 times the former value. As it is expressed in the report's tables, a figure greater than 80% would indicate a level of impact that would be perceived as slight which would be acceptable. Out of the 74 test sites for Churchwell Avenue (Road), 13 achieve a score greater than 80%, the rest of the results fall between 41.1% and 79.4% indicating an impact that ranges between significant to slight. The

report goes on to provide figures in relation to a masterplan in place versus the proposed development, the report does not sufficiently describe how or from where these figures are taken or arrived at, I therefore find it extremely difficult to extrapolate a meaningful or evidence based conclusion to form a recommendation to the Board. Instead, I rely on first half of each table in relation to VSC.

10.5.31. Based upon the applicant's results I find that nearly all sites tested return a suboptimal VSC result with development even after obstructions are removed and the 0.8 times ratio is applied. Most test sites fall into the category of a moderate impact, common to areas where a proposed development is planned on an under-developed plot of land. A significant impact will be perceived by 6 test sites but these improve to a slight impact if there were no obstructions in place, showing that problems may lie with the design of the existing property rather than the proposed development alone.

10.5.32. Because of the results from VSC analysis and in accordance with the recommendations of BRE/BS guidance the applicant has also included Annual Probable Sunlight Hours (APSH) for the main living spaces along Churchwell Avenue (Road). As stated by the applicant one window in a dual aspect room is sufficient to meet the criteria for Sunlight and bedrooms do not need to be assessed. The location of all windows assessed for APSH are shown in Figures 4 - 12 and the results are set out in Tables 7 & 8. Noting that direct sunlight is of lesser importance than daylight, the applicant concludes that most or 37 out of 40 windows tested have an APSH percentage greater than the recommended 25% (414 hours) 32 of the 40 windows assessed have PSH of 5% (75 hours) from 21 September to 21 March. This demonstrates that is the specific design of the proposed development that allows a majority of the windows assessed to exceed the target values set out for sunlight. There are a small number of windows with a reduction below the target values but the applicant concludes that this is acceptable. I note that observers are concerned about access to sunlight and fear the proposed development will overshadow their property. The Daylight/Sunlight report also includes an analysis of overshadowing, that illustrates that the proposed development performs better than a continuous perimeter block planned for in the LAP/masterplan heights. This results from significant breaks in the proposed building line that allow direct sunlight to penetrate the southern face of buildings along Churchwell Avenue (Road). I am

satisfied that a large proportion of windows assessed will exceed the target values for sunlight and this is primarily to do with the design and scale of what is proposed along the subject site's northern boundary.

10.5.33. I have relied on the VSC results for the existing versus the proposed development scenario and in a significant proportion of cases tested the minimum standard is not reached. This would result in most neighbouring property experiencing an impact that ranges from significant (in a small number of cases) to moderate/slight in the remainder. In terms of overshadowing, I can see that from Shadow Diagram figures 20-33, the proposed development performs better than what is envisaged by master plan heights. Bearing these results in mind, I reach an overall conclusion at section 10.5.37 of my report.

10.5.34. Churchwell Crescent – this location shares similar characteristics to Churchwell Avenue (Road), in some situations, at the apartment block along Churchwell Crescent windows still failed to reach the 27% target, tables 5 and 6 refer. Notably, the windows that failed are sunken within significant recesses in order to provide a balcony, specifically test numbers 78, 79, 95, 99, 122, 126, 142 and 145.

10.5.35. The applicant then moves on to test VSC and determine if the loss is less than 0.8 times the former value, or as it is expressed in the report's tables, a figure greater than 80% would indicate a level of impact that would be perceived as slight which would be acceptable. In this situation, out of 75 rooms tested 51 rooms returned a result of less than 80% in the proposed versus existing condition. Some notable exemptions are those windows without obstructions and found higher up the building face, e.g. numbers 85, 86, 87 and 149. Of the 51 rooms that returned less than the minimum, 12 rooms would experience significant impact and 2 rooms would experience a very significant impact. Matters improve if obstructions are removed. From this I conclude that the balcony overhang or obstruction is a significant contributory factor in access to light in these cases. Notably test numbers 120 and 122 return, the impact reduces from very significant to moderate if an overhanging balcony were to be removed. This seems to indicate that it is the culmination of the existing façade design of Churchwell Crescent and the proposed development would make matters worse for these rooms.

10.5.36. The report goes on to provide figures in relation to a masterplan in place versus the proposed development, the report does not sufficiently describe how or from where these figures are taken or arrived at, as before I therefore find it extremely difficult to extrapolate a meaningful or evidence based conclusion to form a recommendation to the Board. Instead, I rely on first half of each table in relation to VSC. The Daylight/Sunlight report also includes an analysis of overshadowing, that illustrates that the proposed development matches the continuous perimeter block planned for in the LAP/masterplan heights in terms of overshadowing impacts to Churchwell Crescent. Bearing these results in mind, I reach an overall conclusion on the impact of the development below.

10.5.37. Overall Sunlight/Daylight/Overshadowing Conclusion

10.5.38. I have relied on the VSC results for the existing versus the proposed development scenario and in a significant proportion of cases tested the minimum standard is not reached. This would result in most neighbouring property experiencing an impact that ranges from very significant (in a small number of cases) to moderate/slight in the remainder. In terms of overshadowing, I can see that from Shadow Diagram figures 20-33, the proposed development performs better than what is envisaged by master plan heights with regard to Churchwell Avenue (Road) but not so much for Churchwell Crescent.

10.5.39. The Building Height Guidelines advise 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. In addition, the guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined. Finally, the guidelines state that 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 planning authority or An Bord Pleanála 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.

10.5.40. In this instance the applicant has produced a Sunlight/Daylight Report that includes overshadowing analysis, despite my criticism of this report, it is useful. The form, massing and height of the proposed development has been modulated to take account of surrounding development and this is moderately successful. Impacts will be felt by neighbouring residents and these impacts will range from very significant (in a very small number of instances) to moderate or slight in most other cases. This is to be expected on a site that has been zoned for residential development at a density that would be expected to present taller buildings. I find that these are not undue impacts given the benefit of achieving wider planning objectives that will secure an effective urban design and streetscape solution for this site.

10.5.41. Existing Residential Amenity – Overall Conclusion – the applicant has prepared a large amount of material to support the proposed development. I note that observers do not object to the scheme in principle but highlight that it is the loss of sunlight and daylight that will be unacceptable to them. I acknowledge that impacts will be felt by residents to the north and east of the site and these impacts have been quantified by the applicant's sunlight/daylight report. I have interpreted these results and found the impacts to be mostly moderate to slight in terms of impact. I would stress that development has always been envisaged for the subject site and the applicant has proposed a design and layout that seeks to improve on what the statutory plan (LAP) has in store for the site. I find that here will be no adverse impacts in terms of overlooking and loss of privacy and this is due to the separation distances involved and the urban context of the site. Neither does overbearing impact become a concern because along the site's northern and eastern boundary development has been designed to mirror or slightly expand on what already exists across the street. Contextual elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without amendment.

10.6. **Traffic and Transport**

10.6.1. The proposed development of 260 apartments will gain vehicular access directly from Churchwell Crescent to an undercroft car park arrangement. Pedestrian and cycle access is available on all four sides of the site, though permeability through the site is not to be provided. The planning authority are broadly satisfied with these

access arrangements and recommend some technical adjustments should permission be granted.

- 10.6.2. The applicant proposes a total of 199 car parking spaces, 19 of which are for visitors and 16 are at surface level; 400 cycle spaces will also be provided. The planning authority acknowledge the below maximum quantum of car parking spaces for such a development and recommend that a robust car parking management strategy is implemented. Observers are very concerned about the existing car parking situation, where many cars park at inappropriate locations and kerb mount.
- 10.6.3. Observers note the distance to travel for connection with the Dart (rail) are too great for effective use by residents. I agree, the nearest rail station is Clongriffin Dart Station, it is 2.4 km to the east and about a 30 minute walk. However, there are frequent and multiple bus services in the area, in addition to commercial and retail centres at Clarehall and Northern Cross. This site is well located and so a reduced car parking can be contemplated if properly managed.
- 10.6.4. The proposed layout will plug into existing street, footpath and cycle infrastructure. On the northern and eastern side of the site, a technically simple connection to the street network is proposed. On the southern side of the site, the applicant proposes connection to an extension to Main Street with footpaths and cycle infrastructure, yet to be constructed. To the west, access to an existing footpath and cycle way is maintained.
- 10.6.5. The planning authority have concerns about how the proposed development will impact on the ability to provide new streets and access undeveloped lands. The principal concern is that a new vehicular access along the western boundary of the site has not been accounted for, with reliance by the applicant on existing footpath and cycle infrastructure outside of the applicant's control. The planning authority stress that the provision of a new local access road is a requirement set out in the Draft Belmayne & Belcamp Lane Masterplan. In addition, the design and layout of the proposal will need to be revised to facilitate a new street which could impact on the space and floor areas to the proposal along the western boundary.
- 10.6.6. I note that there are no specific objectives in either the City Development Plan or LAP for a north/south link road and so reason for refusal on this basis could not be justified. However, maps within the LAP show an indicative plan on how the grid

layout should extend across the plan lands and this includes streets that provide linkages. The applicant has shown a layout that extends the building block to the edge of the applicant's site. This will not align with the existing street to the north. Instead, the new building block will align with the existing footpath/cycleway, the planning authority note that this piece of infrastructure is temporary. The planning authority envisage that the existing and regular grid layout of Belmayne will be replicated at this site and westwards, the Draft Masterplan for the area indicates this. In addition, the existing LAP shows a street pattern firmly based on a grid layout, this development will break this urban form.

10.6.7. The planning authority suggest that in order to accommodate a street in accordance with what is planned for the area would require a redesign and adjustment of floor areas. But I think that such changes would also require further design considerations of how a new vehicular access might join the planned Main Street to the south, it is the subject of an already permitted Part VIII proposal. I am not satisfied that such amendments can be addressed by condition as they would result in a significant and material change to the proposed development and possibly changes to an already permitted road scheme. It would have been preferable if the applicant had designed an overall layout that included a logical expansion southwards of Churchwell Avenue, they did not. However, the applicant has shown what a potential long term local access road layout might look like, see insert on the Roads Layout drawing submitted by the applicant. On balance, I am satisfied that the proposed development will not jeopardise the provision of a north/south link street and the applicant should show on an additional layout plan how this might be achieved, but not be required to carry out those works. The planning authority's concern about a new vehicular street along the western edge of the site can be settled by the submission of a revised layout, a suitable condition can address this issue.

10.6.8. The applicant has prepared a Traffic and Transport Assessment, neither the planning authority or observers raise any particular concern over its findings. I see no particular issues to query either, this is an urban site, plugging into streets and junctions that have been designed to accommodate development that has been planned for. I am satisfied that the existing road network can accommodate the quantum of development proposed.

10.6.9. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities, such as schools, playing pitches and a new commercial/retail centres. Current public transport options are limited to a high frequency bus services with defined bus corridors and improvements such as BusConnects are planned. In addition, there are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy to be submitted by the applicant.

10.7. Infrastructure

- 10.7.1. Drainage - The Infrastructure Design Report submitted with the application outlines in detail the surface water management strategy proposed for the site. In summary, there are existing surface water sewers close to the site. Existing 300mm surface water pipes are located along the western boundary. There is also an existing 375mm pipe along eastern boundary in Churchwell Crescent. This sewer connects to the existing 600mm diameter surface water sewer in Churchwell Drive. The existing 600mm diameter pipe continues parallel to Parkside Boulevard and outfalls to the existing attenuation system, then on to the Mayne River.
- 10.7.2. In addition, the applicant has prepared a site specific Flood Risk Assessment, the site is located in flood zone C. The FRA concludes that the development is considered to have the required level of flood protection. The development will not result in an increased flood risk to surrounding properties but will reduce flood risk.
- 10.7.3. I note the submission made by Inland Fisheries Ireland (IFI) and their recommendations concerning standard technical conditions in relation to the site's proximity to the Mayne River to the north. In this respect I note the submission by the applicant of a CEMP that includes standard measures to deal with the construction phase of development. The site is some 300 metres from the river, the intervening space is taken up by existing urban development with hard surfaces and standard approaches to surface water management. I am satisfied that the measures

proposed by the applicant are standard and accepted practice when developing an urban project.

- 10.7.4. The planning authority concur with the surface water and flood risk strategy proposed by the applicant. Standard and technical conditions are recommended if permission is granted. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition.
- 10.7.5. Finally, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. In this respect, IW have stated that the proposed water and wastewater connections for this development to connect to the Irish Water network is via infrastructure that have not been taken in charge by Irish Water (Third Party Infrastructure). For this reason, IW have stipulated certain requirements that concern self-lay works and these can be managed post permission subject to agreements between IW and the developer. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

10.8. **Childcare facility**

- 10.8.1. The applicant has prepared a Childcare Assessment in order to understand childcare capacity in the area and to provide a rationale for not providing a crèche in the current proposal. The applicant considers that there will be more than sufficient childcare provision in the local area to facilitate the (predominantly 1 and 2 bed) development, without the need for an additional on-site crèche. I note that a submission from the City Childcare Committee was sought by the applicant but no observations were made that concern childcare provision in the area or the need for this development to provide such a facility.
- 10.8.2. The planning authority are satisfied with the applicant's approach to childcare provision and assessment. In accordance with the Apartment Guidelines, I find that the applicant has adequately described the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. I also note that one-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms. The proposed development comprises mostly one and two bedroom units and so the demand for childcare

places would be low, I accept the applicant's findings and the requirement to provide a childcare facility as part of this 260 unit scheme development is satisfactory.

10.9. Other Matters

- 10.9.1. Social and Affordable Housing – some observers note that social and affordable housing has been located in a single area, a wider distribution would be better. The applicant is obliged under Part V provisions to indicate the provision of social housing, this they have done. Discussions, arrangements and agreements yet to be made with the Council are ongoing. I concur with the planning authority's view in relation to social housing, and the matter can be settled through arrangements on foot of an appropriate and standard Part V condition.
- 10.9.2. Amenities – observers note that no public open space has been provided as part of the proposed development and lament how existing public open spaces are so well used at present that they seem overcrowded. I have noted that the proposed development only provides communal courtyards for its residents, the planning authority note this too and suggest that a payment in lieu for public open space (in line with Development plan policy) is acceptable. I am satisfied that the proposed development, in order to make the best and efficient use of land has provided enough amenity space to cater for future occupants. By way of contribution to the planning authority, existing and new public open spaces can be improved and provided.

11.0 Screening for Environmental Impact Assessment

- 11.1.1. The site is an urban brownfield site (zoned objective Z14: 'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses.') located at the edge of an existing urban area comprising a combination of apartments and duplex units. The lands comprise disturbed ground, overgrown with earthen mounds. The proposed development relates to the construction of 260 apartments in two blocks up to seven storeys in height.
- 11.1.2. 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.

11.1.3. The proposal for 260 residential units on a site of 1.31 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 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 12 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

11.1.4. 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
- Landscape and Visual Impact Appraisal
- Landscape Design Rational Report
- Report on Appropriate Assessment Screening
- Ecological Impact Assessment

- Invasive Species Survey and Management Plan
- Traffic and Transport Assessment
- Site Specific Flood Risk Assessment
- Daylight and Sunlight Assessment
- Planning Statement
- Childcare Assessment
- Social Infrastructure Capacity Report
- Energy Statement
- External Lighting
- Outdoor Lighting Report
- Construction and Environmental Management Plan
- Construction and Demolition Waste Management Plan
- Operational Waste and Recycling Management Plan

11.1. 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 on Appropriate Assessment Screening has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- 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.

- A Construction and Waste Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive.
- The submitted Construction and Demolition Waste sets out standards derived from the EU Ambient Air Quality 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.

- 11.2. 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.
- 11.3. Overall, I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.
- 11.4. Having regard to:
- (a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the site's location close to Dublin City centre, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022,

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

(d) the planning history relating to the site and the surrounding area,

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

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

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

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

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Environmental Management Plan.

11.5. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form (see appendix A) has been completed and a screening determination is not required.

12.0 **Appropriate Assessment**

12.1. Legislative Background

12.1.1. 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.

12.2. Compliance with Article 6(3) of the Habitats Directive

12.2.1. 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).

12.2.2. The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. The Screening Report has been prepared by Altemar Marine and Environmental Consultancy and is accompanied 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 distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor to conservation sites, it is concluded that this development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites."

12.2.3. 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.

12.3. Need for Stage 1 AA Screening

- 12.3.1. 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.

12.4. Brief Description of the Development

- 12.4.1. The applicant provides a description of the project at page 7 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary, permission is sought for an apartment development comprising 260 units, communal facilities, and car parking on a site of 1.31 ha situated in an urban area of Dublin. The site is at a transitional location between residential development to the east and north and undeveloped land to south and west. The site is serviced by public water and drainage networks. There are existing surface water sewers in close vicinity to the subject site and via existing piped networks the outfall will be to the Mayne River. The site is a brownfield site that contains a heaps of soil overgrown with vegetation. The site is enclosed by security fencing. There are no watercourses within or immediately adjoining the site. The Mayne River (that flows to Baldoyle Bay SAC) is located c. 250 m north of the site. No Annex 1 habitats were recorded within the application site. No Annex 1 bird species or fauna were encountered during site survey. Approximately 2 sqm of three-cornered garlic/leek (*Allium triquetrum*) was noted in the central area of the site, no other invasive species such as Japanese knotweed, giant rhubarb, Himalayan balsam or giant hogweed were noted on site.

12.5. Submissions and Observations

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

12.6. Zone of Influence

- 12.6.1. 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 on page 20). 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 (less than 6 km) are as follows: Baldoyle Bay SAC 2.1 km, North Dublin Bay SAC 2.8 km, Malahide Estuary SAC 4.6 km, Baldoyle Bay SPA 2.5 km, North Bull Island SPA 2.5 km and Malahide Estuary SPA 5.2 km.
- 12.6.2. Table 2 on page 21 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.
- 12.6.3. 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 because according to supporting documentation the soil profile underlying the site (made ground over underlying bedrock of Tournaisian limestone), concludes that the associated groundwater vulnerability for the underlying waterbody to the site is classified as low (taken from SSFRA). In addition the degree of separation from any European site is great. 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.

12.6.4. 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 Irelands Eye SPA and SAC, 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 and in view of the sites Conservation Objectives.

12.6.5. The designated area of sites in close proximity to the subject lands and within the inner section of Dublin Bay, namely Baldoyle Bay SAC, Baldoyle Bay SPA, 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 location of the Mayne River 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.

12.6.6. 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 and in view of the sites Conservation Objectives.

12.7. Screening Assessment

12.7.1. The Conservation Objectives (CO) and Qualifying Interests of sites at Baldoyle Bay SAC and SPA, and within the inner Dublin Bay are as follows:

Baldoyle Bay SAC (000199) - c. 2.1 km east of the proposed development.
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], Salicornia and other annuals colonising mud and sand [1310], Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330], Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

Baldoyle Bay SPA (004016) - c. 2.5 km east of the proposed development.

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], Ringed Plover (*Charadrius hiaticula*) [A137], Golden Plover (*Pluvialis apricaria*) [A140], Grey Plover (*Pluvialis squatarola*) [A141], Bar-tailed Godwit (*Limosa lapponica*) [A157], Wetland and Waterbirds [A999]

South Dublin Bay SAC (000210) - c. 6.9 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. 2.8 km 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. 6.9 km south 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. 2.5 km south 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]

12.7.2. Consideration of Impacts on Baldoyle Bay SAC, Baldoyle Bay SPA, 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. Existing 300mm surface water pipes are located along the western boundary. There is also an existing 375mm pipe along eastern boundary in Churchwell Crescent. This sewer connects to the existing 600mm diameter surface water sewer in Churchwell Drive. The existing 600mm diameter pipe continues parallel to Parkside Boulevard and outfalls to the existing attenuation system. The outfall from that attenuation system traverses to the north and discharge to the Mayne River 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 Infrastructure Design Report and 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. 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.
- 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 Baldoyle Bay SAC, Baldoyle Bay SPA, 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.

12.8. AA Screening Conclusion:

12.8.1. 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 Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016), Baldoyle Bay SPA, 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.

13.0 Recommendation

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

14.0 Reasons and Considerations

Having regard to the:

- (a) the site's location close to Dublin City centre and other local facilities and amenities, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022;
- (b) The policies and objectives in the Dublin City Development Plan 2016-2022 and Clongriffin-Belmayne LAP 2012;
- (c) the site's location within a Strategic Development and Regeneration Area (SDRA 1 North Fringe) and partly inside the North Fringe West Key District Centre (KDC) 1;
- (d) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;
- (e) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (h) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (j) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government 2020;
- (k) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;

- (l) the nature, scale and design of the proposed development;
- (m) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) The Report of the Chief Executive of Dublin City Council received from the planning authority;
- (p) the submissions and observations received;
- (q) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2020

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 28th day of April 2021 by Balgriffin Park Limited, 29 Mount Street Upper, Dublin 2.

Proposed Development

The proposed development on a site of 1.31 hectares will consist of 260 apartment units in two blocks ranging in height from 2 to 7 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	1.31 hectares
No. of Units	260 units (apartments units)
Density	198 units per hectare
Dual Aspect	136 units (52.3%)
Other Uses	0 sqm
Private Communal Space	2,945 sqm Podium level
Public Open Space	0 sqm
Residential Amenity Space	314 sqm
Height	2-7 storeys
Parking	199 car spaces (19 surface and 180 undercroft) 400 bicycle spaces (16 surface and 384 undercroft).
Vehicular Access	Vehicular access to the undercroft parking from Churchwell Crescent.
Part V	26 (10 one bed/2P, 1 two bed/3P, 14 two bed/4P and 1 three bed/5P)

Housing Mix

Unit Type	1 bed	2 bed	3 bed	Total
Apartments	108	132	17	260
% of Total	41.5%	50%	8.5%	100%

Matters considered

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

Reasons and Considerations

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

- (a) the site's location close to Dublin City centre and other local facilities and amenities, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022;
- (b) The policies and objectives in the Dublin City Development Plan 2016-2022 and Clongriffin-Belmayne LAP 2012;
- (c) the site's location within a Strategic Development and Regeneration Area (SDRA 1 North Fringe) and partly inside the North Fringe West Key District Centre (KDC) 1;
- (d) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;
- (e) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);

- (h) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (j) ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020;
- (k) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (l) the nature, scale and design of the proposed development;
- (m) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) The Report of the Chief Executive of Dublin City Council received from the planning authority;
- (p) the submissions and observations received;
- (q) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated Natura 2000 Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

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

Having regard to:

- (a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the site's location close to Dublin City centre, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022,
- (c) the existing use on the site and pattern of development in the surrounding area,
- (d) the planning history relating to the site and the surrounding area,
- (e) the availability of mains water and wastewater services to serve the proposed development,

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

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

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

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Environmental Management Plan.

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

Conclusion on Proper Planning and Sustainable Development

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 safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the

Dublin City Development Plan 2016-2022 in relation to building height and unit mix. The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration:

a) In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended): the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016. The subject site is located within a Strategic Development and Regeneration Area 1, that in itself implies strategic importance that elevates it above other residentially zoned lands contained in the development plan.

b) In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended): the matter of conflicting objectives in the development plan, section 16.7 of the City Development Plan sets a limit of 16m building height (5 storeys residential), but Policy UD07 of the Clongriffin-Belmayne LAP allows up to six storeys depending on design. The statutory plans for the area contain conflicting objectives.

c) In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended): regional planning guidelines for the area, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs and this can result in taller buildings.

The proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SPPR3. In terms of unit mix, the proposed development meets the requirements of SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments 2020.

d) In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 (as amended): the pattern of development/permissions granted in the area since the

adoption of the Development Plan where taller buildings were proposed, recent planning permissions for strategic housing granted in the wider area include; ABP-304196-19 and ABP Ref. 305943-19 refer.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The road and cycle network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual.

a) Prior to commencement of the development an appropriately scaled layout drawing shall be submitted that indicates how a north/south access street could be provided along the western portion and boundary of the application site, the details shall be agreed in writing with the Planning Authority.

b) Materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road and the public realm including provision of any upgraded junctions and pedestrian crossings, road and footpath modifications including location of on-street parking, lighting, drainage and materials considered acceptable to Dublin City Council shall be carried

out at the developer's expense. All works shall be completed and operational prior to first occupation of the development.

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

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

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

6. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and unit numbers, shall be provided in accordance with the agreed scheme.

The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. a) 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.

b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a

strategy any car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

10. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking 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, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the Planning Authority for written agreement revised surface water storage calculations to account for 20% Climate Change as per the "Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment", a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

12. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

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

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

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge.

Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

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

Reason: In the interest of public health.

20. 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.

21. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection

with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

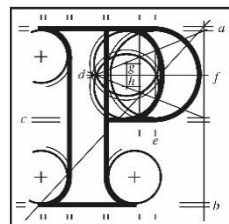
22. Prior to the commencement of development, the developer shall enter into an agreement with the Planning Authority to provide for the payment of a financial contribution to the Planning Authority in lieu of open space as provided for under section 16.3.4 of the Dublin City Development Plan 2016-2022 and in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The manner of payment and amount of payment shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

Stephen Rhys Thomas
Senior Planning Inspector

06 August 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-310077-21
Development Summary		260 apartments.
	Yes / No / N/A	

1. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ol style="list-style-type: none"> 1. Dublin City Development Plan 2016-2022 subject to SEA and SFRA. 2. Clongriffin – Belmayne LAP 2012-2018 subject to SEA. 3. Report on Appropriate Assessment Screening has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). 4. 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. 5. 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. 6. A Construction and Waste Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive. The submitted Construction and Demolition Waste sets out standards derived from the EU Ambient Air Quality Directive.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?
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		(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The site is level. No changes to topography or waterbodies -save for surface water run-off to public sewer that drains to the Mayne River.	No
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?	Yes	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.	No

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. 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>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. 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>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. 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>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. 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>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions 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>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. 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>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</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>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>No</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, over-wintering, or migration, be affected by the project?</p>	<p>No</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>No</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>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

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

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

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

Stephen Rhys Thomas
Senior Planning Inspector
06 August 2021