



An
Bord
Pleanála

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

Inspector's Report ABP-310350-21

Strategic Housing Development

590 no. apartments, a creche and all associated site works.

Location

Charlestown Place, St. Margaret's
Road, Charlestown, Co. Dublin.
(www.charlestownplaceshd.ie)

Planning Authority

Fingal County Council

Applicant

Puddenhill Property Limited

Prescribed Bodies

DAA; DCC; IAA; Irish Water; NTA; TII

Observer(s)

1. Alan McCormack
2. Angela Treacy
3. Anne O' Dwyer
4. Brigid Moore

5. Carol Nolan
6. James Kelly
7. Jeanette Daly
8. Jeanette Smith
9. John Murphy
10. Karen Clifford
11. Lorraine Murphy
12. Marcella Kelly
13. Marguerita Clarke
14. Mark Christie
15. Mary McCamley
16. Maureen Tyrrell
17. McKelvey Celtic Football Club
18. Noeleen Young
19. Paul McAuliffe
20. Roisin Shortall
21. Ryan Kelly
22. Sean Clarke
23. Steven Dodd
24. Susie Hickman
25. Tara McCormack
26. Yvonne Gregg

Date of Site Inspection

23rd August 2021

Inspector

Una O'Neill

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	9
5.0 Section 5 Pre Application Consultation	9
6.0 Relevant Planning Policy	14
7.0 Observer Submissions.....	21
8.0 Planning Authority Submission	24
9.0 Prescribed Bodies.....	30
10.0 Oral Hearing Request	32
11.0 Assessment.....	34
12.0 Appropriate Assessment Screening	74
13.0 Environmental Impact Assessment	82
14.0 Recommendation	103
15.0 Reasons and Considerations	103
16.0 Recommended Draft Order	104
17.0 Conditions	111

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site, which is 3.4 ha in area, is located on the corner of Charlestown Place and St. Margaret's Road and is within the administrative area of Fingal County Council (FCC). It is c. 1.5km north of Finglas Village, c. 4.2km east of Blanchardstown and c. 6.5km northwest of Dublin City Centre. The M50/N2 is c. 500m north of the site and Dublin Airport is c. 9km to the northeast.
- 2.2. The site lies immediately south of the Charlestown Centre which is a mixed use retail, commercial and residential development comprising five floors of apartments above double height commercial spaces, all over basement car parking. The centre also comprises a twelve storey residential tower at its southeastern corner. Adjacent the Centre to the west is a recently constructed six storey apartment scheme, with the existing cinema/leisureplex/restaurant block to the rear/north of the new apartment scheme, connecting in with the existing street serving Charlestown Centre from the north. The site is bounded by the street Charlestown Place to the north; by McKelvey Celtic A.F.C. to the southeast; by the rear boundaries of two storey houses on McKelvey Avenue to the south; by St. Margaret's Road to the east; and by light industrial warehouse units to the west/southwest which front onto North Road / N2. The boundary to the McKelvey development is also the Dublin City Council / Fingal County Council administrative boundary. The wider area is characterised by an area of mixed use commercial and light industrial uses as well as residential uses. I note Dublin City Council lands (43 ha) to the east/southeast of the application lands, on the opposite side of St. Margaret's Road/East of McKelvey Avenue/south of Century Business Park were rezoned in June 2021 from Z6 to Z14 (mixed use) and the site is designated a Strategic Development and Regeneration Area (SDRA).
- 2.3. The site currently comprises a surface car park (temporary permission) associated with the Charlestown Centre to the north and undeveloped greenfield areas. There

are no buildings on the site. The site is accessed via an existing access road and signalised junction from Charlestown Place. This access road also serves McKelvey Celtic AFC clubhouse and playing pitch located to the southeast of the subject site.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of:

- 590 no. apartment units in 4 no. 2 to 10 storey blocks (Blocks 1 to 4) comprising of 234 no. 1 bed apartments, 316 no. 2 bed apartments and 40 no. 3 bed apartments.
- Permission is also sought for non-residential uses at ground floor level within Blocks 1 and 2 comprising: 2 no. retail/ commercial units totalling 350sqm, 4 no. office units (224sqm), a health/medical centre (526sqm) and a creche (542sqm) with first floor outdoor play area.

3.2. An EIAR has been submitted with the application.

3.3. The following tables set out some of the key elements of the proposed scheme:

Key Figures

Site Area	c. 3.4ha gross / 3.14ha net (excluding adjoining roads)
No. of Residential Units	590
Density	188 u/p/h net*
Other Uses	2 x retail/commercial units (350 sqm); 4 x office suites (224 sqm); health/medical centre (526 sqm)
Childcare Facility	542 sqm
Public Open Space	POS – central area of 4737 sqm (of which 1567 sqm is above an attenuation tank); area 2 of 1848sqm; pedestrian boulevard of 2160 sqm.

	Communal open space of 4135 sqm in the form of courtyard areas within each of Blocks 1, 2 3 and 4 and communal roof gardens within Blocks 1, 2 and 4.
Height	Block 1 – 2-10 storeys (2 storeys at southern perimeter edge) Block 2 – 2-7 storeys (2 storeys at southern perimeter edge) Block 3 – 7-8 storeys (8 to north) Block 4 – 2-6 storeys
Aspect	52%
Part V	59 units proposed.
Phasing Proposals	The development will commence with the excavation of the basement areas for Blocks 1/ 2 and Block 4. The smaller Block 4 basement excavation will be completed in the first instance followed by Block 1/2 basement. The development of Blocks 1, 2, 3 and 4 will then proceed in sequence. The overall construction period is currently envisaged as being 3 years.

*I note discrepancies across the various reports submitted in terms of gross floor area, net floor area and calculation of units per hectare. I have measured the site and am satisfied that the net site area is 3.14ha and the number of units per hectare is 188 u/p/h.

Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments	234	316	40	590
As % of total	40%	53%	7%	100%

Car Parking	515 spaces (351 at basement level within Blocks 1 & 2; 81 at basement level within Block 4; 83 at surface level). [474 are for residential accommodation; 41 for non-residential use and Go Car]
Bicycle Parking	1068 (of which 899 are in dedicated cycle stores within Blocks 1,2, 3 and 4; 169 are at surface).

- 3.4. The primary vehicular access to the site is proposed from Charlestown Place, along the northern boundary. Upgrades to the existing signalised junction on Charlestown Place are proposed. The existing pedestrian access from the Charlestown Shopping Centre across Charlestown Place is proposed to be relocated to the west to align with the proposed internal pedestrian boulevard within the current application site and the pedestrian street associated with the Charlestown Shopping Centre and adjoining new apartment development. Permission is also sought for associated reconfiguration of the central median on Charlestown Place and the existing footpath, cycle track and hard and soft landscaping on the northern edge of Charlestown Place and south of the Charlestown Shopping Centre. Pedestrian and cycle access to the development is also proposed via a new entrance on St. Margaret's Road. Provision is also made for vehicular access from Charlestown Place through the site to McKelvey Celtic AFC playing pitch at the south eastern corner of the site including relocation of the existing entrance to McKelvey Celtic AFC playing pitch and a future access to the undeveloped greenfield site to the west.
- 3.5. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated.

3.6. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- EIAR
- Screening Report for Appropriate Assessment
- Planning Statement
- Statement of Consistency/Material Contravention Statement
- Landscape and Visual Impact Assessment Verified Views
- Architects Design Report
- Housing Quality Assessment
- Building Lifecycle Report
- Landscape Rationale
- Arboriculture Assessment
- Daylight and Sunlight Assessment Report
- Social Infrastructure Audit
- Engineering Planning Report
- Site Specific Flood Risk Assessment
- Engineering Planning Report
- DMURS Statement
- Outline Construction Traffic Management Plan
- Traffic and Transport Audit
- Quality Audit – Stage 1
- Construction and Demolition Waste and By-Product Management Plan
- Operational Phase Waste Management Plan
- Energy and Services Strategy Report
- Solar Photovoltaic Glint and Glare Study

4.0 Planning History

F07A/-121/F09A/0542/F14A/0304 – Permission for temporary surface car park.

Sites to North

F07A/0682 – Permission granted for amendments to Phase 1 and construction of Phase 2 at Charlestown Shopping Centre. Phase 2 comprises 119 residential units, retail, offices, restaurant/café, health and fitness centre, medical centre and creche in 8 blocks, ranging from two to six storeys. Permission was originally granted in 2007 and extended in 2013 (F07A/0682/E1) until 2018.

F09A/0212 – Permission granted for two drive thru restaurants. [To northwest of application site].

F09A/0403 – Permission granted to amend Phase 2 to provide for Commercial Recreational building in place of permitted building and other amendments.

F17A/0215 – Permission granted for amendment to basement levels and new Phase 2B comprising 222 apartments, retail (5670 sqm + 769sqm), creche, and ancillary area in 5 blocks, ranging in height from two to six storeys, with seven storey elements.

F18A/0718 – Permission granted for amendment to Phase 2B to increase number of apartments to 319 units; retail floorspace of 4544sqm and ancillary areas of 327sqm, in 6 blocks ranging in height from two to six storeys, with seven storey elements.

F19A/0146 – Permission granted for amendment to Phase 2B of Charlestown Shopping Centre comprising 375 residential units and 194sqm retail floorspace. Construction is ongoing.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation

- 5.1.1. A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 18th November 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the

opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. (Ref. ABP-307248-20) and that the following information should be submitted with any application for permission:

1. Landscaping, Materials and Character: Further consideration/justification of the documents as they relate to the visual impact, materials and finishes to the proposed buildings and hard & soft landscaping. The further consideration / justification should address the proposed human scale, character and identity and creation of family friendly neighbourhood, regard being had, inter alia, to the architectural treatment, landscaping, quality public and communal open spaces, pedestrian way finding and connectivity. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
2. Interaction with Charlestown Place and Charlestown District Shopping Centre – Further consideration and / or justification of the documents as they relate to the proportion of live work units, own door units, end use of non-residential units along the central spine area to activate the proposed pedestrian street and provide facilities for the future residential population specifically the contribution proposed to the character and identity of the neighbourhood.
3. Residential Design - Further consideration/justification of the documents as they relate to the quality of the proposed residential amenity. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' in particular with regard to number of single aspect and north facing units, and daylight and sunlight access to internal habitable areas and in particular to communal courtyards. Shadow Impact Assessment of communal open spaces, private open space and public open spaces. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating, inter alia, to layout of the proposed development, improving the quality and providing extended

hours of daylight and sunlight to the internal courtyards and to the public open space.

In addition the following specific information was requested:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, "TC" - town centre and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. An assessment on how the proposed scheme ties in with the expansion of the overall Charlestown Shopping Centre. The subject site represents an expansion of the existing Charlestown development (including permitted development) on the northern side of Charlestown Place. It is important that the proposed scheme should be highly visually and functionally connected to the town centre development to the north. There needs to be strong permeability within the scheme and into adjoining lands.
4. Further consideration of the junction and pedestrian crossing proposed at Charlestown Place. Greater pedestrian connectivity, consideration of boundary treatments and interaction with the Charlestown Shopping Centre, Charlestown Place and Saint Margaret's Road (public streets) is needed. The proposal needs to contribute to and enhance the character and identity of the neighbourhood.
5. Justification of landscaping, in particular, at the entrance of the pedestrian boulevard on Charlestown Place and approaching this entrance from the east to signify the entrance to the scheme so as to visually link to the Charlestown Centre and aid navigation.

6. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%.
7. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
9. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.
10. Response to issues raised in the Parks and Green Infrastructure department report submitted to the Board on the 25.06.2020.
11. Response to issues raised in Architects department report submitted to the Board on the 25.06.2020. Justification is required with respect to height and shadow analysis, in particular of communal open space.
12. Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems under public open space, as part of SuDS solution. A response to the contribution suggested by the planning authority in

accordance with Section 48(2) (c) of the Planning and Development Act 2000 in lieu of public open spaces provision.

13. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

14. A full response to matters raised within the PA Opinion and Appended Fingal County Council Department comments submitted to ABP on the 25.06.2020

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

5.2. Applicant's Statement

5.2.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the information points raised in the Opinion.

5.2.2. The following points are noted:

- The nature and use of the proposed ground floor uses on the central pedestrian street has been reviewed, with the proposed non-residential units to now include retail/ commercial uses, a creche, small scale office suites and a health/ medical centre.
- The proposed design and layout of apartment units has been informed by a Daylight and Sunlight Assessment by 3D Design Bureau.
- The proposed development Materially Contravenes the Development Plan in respect of apartments per floor per individual stair and lift core. The proposed development includes up to 9no. apartments per floor in the case of the proposed east/west stair and lift cores. Objective DMS23 of the Development Plan permits up to 8 apartments per floor per individual stair and lift core.

- Interaction and connection to the Charlestown Shopping Centre has been improved with a detailed proposal for the design and layout of the proposed pedestrian crossing. Additional improvements to the layout and design of the footpath and public realm on the northern edge of Charlestown Place are proposed to enhance connectivity and pedestrian movement across Charlestown Place.

5.2.3. It is noted that a Material Contravention Statement was also submitted with the application documentation.

5.3. **Applicant's Statement of Consistency**

5.3.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the Fingal Development Plan 2017-2023.

5.4. **Applicant's Statement on Material Contravention**

5.4.1. The application documentation includes a report titled Material Contravention Statement, which relates to stair lift cores, as addressed in Objective DMS23 of the Fingal County Development Plan 2017-2023. This shall be addressed further within the main assessment.

6.0 **Relevant Planning Policy**

6.1. **National Policy**

6.1.1. **Project Ireland 2040 - National Planning Framework**

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning 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 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

A number of key Regional Policy Objective (RPOs) are noted as follows:

- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.
- RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

The Metropolitan Area Strategy identified the City Centre within the M50 (multi modal) as a strategic development corridor, where it is stated that ‘The proposed DART Underground and LUAS extensions to Finglas and Lucan subject to appraisal and delivery post 2027, will unlock long-term capacity including strategic landbanks such as Dunsink.

The Retail Hierarchy for the Region identifies Charlestown under ‘Level 3 Town And/Or District Centre & Sub-County Town Centres (Key Service Centres)’.

6.3. Local Planning Policy

6.3.1. Fingal Development Plan 2017-2023:

Zoning

TC ‘Town and District Centre’ - Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.

Chapter 2 Core Strategy and Settlement Hierarchy

- Variation 2 of the Development Plan, titled ‘Alignment of the Fingal Development Plan with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES)’ was adopted on 19th June 2020. Under tables 2.5 it sets out the **Fingal Settlement Hierarchy** which is split between the Metropolitan Area and the Core Area. The Metropolitan Area comprises the majority of the southern part of the County, running from Blanchardstown in the west to Howth in the east. The area includes the key urban centres in Fingal of Swords, Blanchardstown and Donabate, and the settlements adjacent to the administrative boundary with Dublin City that are within the influence of the Dublin metropolitan designation of the RSES. Dublin Airport is also located within the area. The Core area comprises the northern part of the County, and the majority of Fingal’s rural areas.
- Charlestown & Meakstown are identified as being within the Dublin City and Suburbs Consolidation Area of the Metropolitan Area.
- **Objective SS01** Consolidate the vast majority of the County’s future growth into the strong and dynamic urban centres of the Metropolitan Area while directing development in the core to towns and villages, as advocated by national and regional planning guidance.
- **Objective SS01a** Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES.
- **Objective SS 02b** Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centre lands where infrastructural capacity is readily available, and they are along an existing or proposed high quality public transport corridors and on appropriate infill sites in the town centres, in a phased manner alongside the delivery of appropriate physical and social infrastructure.
- **Objective SS15** Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

- **Objective SS16** Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

Chapter 3 Placemaking

- **Objective PM41** Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised.
- **Objective PM42** Implement the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Planning and Development Act, as amended.

Chapter 4 Urban Fingal

- **Objective CHARLESTOWN AND MEAKSTOWN 1** Develop an enhanced community identity within Fingal through the improvement of social, cultural, community and residential amenities. Support the development of a sense of identity for the area including improvements to signage, landscaping and physical appearance and through the promotion of mixed uses, including residential, in Charlestown Centre.
- **Objective CHARLESTOWN AND MEAKSTOWN 2** Continue to improve and deliver enhanced community and recreational amenities to the area with particular emphasis on a community centre to provide for the community and sporting needs of the area including the provision of changing rooms if required and improvements to the quality of open space.
- **Objective CHARLESTOWN AND MEAKSTOWN 3** Continue to support and facilitate the established cross boundary forum, which includes Dublin City Council, to co-ordinate development between Dublin City's North West Area (which includes parts of Santry, Poppintree and Ballymun) and the adjoining areas in Fingal which include Santry, Meakstown and Charlestown and lands to the north of Ballymun.
- **Objective ED42** Ensure the development of Balbriggan, Malahide, Skerries and Charlestown as sustainable, vibrant and prosperous Town Centres performing at a

high retail level within the Fingal Retail Hierarchy to meet the retailing needs of and offer sufficient retail choice to their local populations and catchment populations.

- **Objective ED43** Facilitate appropriately scaled improvements to the quantum and quality of retail offer and function in Balbriggan, Malahide, Skerries and Charlestown, and ensure their sustainable development by consolidating, intensifying and enhancing their existing core retail areas, and by directing new retail opportunities into the core retail areas identified for each.

Chapter 12 Development Management Standards

- **Section 12.4:** In general, the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities* (2009). As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities.
- **Objective DMS05:** Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq.m. to provide for a piece of public art to be agreed with the Council.
- **Objective DMS23** Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes.
- **Objective DMS57B** Require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5...
- **Objective DMS60** Require the monetary value in lieu of open spaces to be in line with the Fingal County Council Development Contribution Scheme.
- **Objective DMS73** Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space

provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum 10% of open space provision shall be taken up by SuDS. The Council will give consideration to the provision of SuDS on existing open space, where appropriate.

- **Objective DMS74** Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.
- **Objective DMS75** Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units.
- **Objective DMS76** Ensure that in the instance of an equipped playground being included as part of a specific facility, it shall occupy an area of no less than 0.02 hectares. A minimum of one piece of play equipment shall be provided for every 50 sqm of playground.
- **Objective DMS79** Require the use of native planting where appropriate in new developments in consultation with the Council.
- **Objective DMS80** Ensure trees, hedgerows and other features which demarcate townland boundaries are preserved and incorporated where appropriate into the design of development.
- **Objective DMS90** Require balconies, ground floor private open space, roof terraces or winter gardens be suitably screened in a manner complimenting the design of the building so as to provide an adequate level of privacy and shelter for residents.
- **Objective DMS117** Require new developments to be designed in accordance with DMURS. In particular they shall have layouts and designs which reflect the primacy of walking and cycling by providing safe, convenient and direct access to local services, employment and public transport...

7.0 Observer Submissions

- 7.1. In total 32 submissions were received. The submissions were primarily made by or on behalf of local residents.
- 7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Compliance with Development Plan

- Site is zoned TC – proposal lacks cultural facilities, community facilities, hotels, recreational facilities, schools and jobs.
- Just 3% of the development is non-residential.
- Rezoning of adjacent industrial lands in DCC needs to be considered and a masterplan prepared for the area, given the lack of infrastructure and amenities.
- DMS23 states permit up to 8 apartments per floor per individual stair/lift core. The proposal is a material contravention of the development plan in this regard.

Density, Design and Layout, and Impact on McKelvey Avenue Residents

- Scale and massing of the development are excessive.
- Proposal is out of keeping with the character of the area.
- Height of the proposed buildings will result in undue overshadowing of adjacent development, in particular on McKelvey Avenue residents.
- Overlooking of gardens and loss of privacy to McKelvey Avenue Properties due to height of apartments and positioning of apartments with windows and balconies causing overlooking.
- Loss of light, traffic impact, noise pollution, devaluation of property and no consultation with McKelvey Avenue residents.
- Obstruction of natural light, overshadowing, security concern due to anti-social behaviour.
- Loss of sunlight to existing development within the area.
- View and aspect from McKelvey Avenue will be blocked.
- Poor industrial design of apartment blocks.

- There would be a potential loss in property values.
- Overdevelopment of apartments in the area.
- The area will become another Ballymun flats complex with anti-social behaviour.
- Negative impact of construction on adjoining residential areas.
- Anti-social behaviour from proposed park to rear of houses.
- Social housing is not evenly distributed, with all proposed in Block 4.
- Not enough three bed units. Proposal should include a mix of houses and apartments.
- High rise developments can lead to poor mental health due to less social interaction.
- Excessive noise and disturbance during construction on top of existing high level of noise and disturbance from airplanes and hypersensitivity of existing residents as a result.
- Excessive noise and dust during construction on gardens in McKelvey Avenue.

Impact on McKelvey Avenue Celtic AFC

- No consultation from developer.
- Development will result in major visual and light impact.
- Existing vehicular entrance will be affected and existing access not shown on drawings.
- Movement of access to McKelvey Celtic Football pitch is not acceptable.
- Lack of parking for members and guests of the club.
- The balconies on the west/south elevations will overlook the club.
- Request a full shadow impact diagram and report.
- Dust and dirt during construction.

Social Infrastructure, Open Space and Amenities in the Area

- More open spaces, parks and playgrounds needed.
- There is shortage of community amenities in the area.

- The area urgently needs a community centre, playground and schools.
- Social infrastructure is inadequate and this proposal will exacerbate the problem.
- The area has no schools.
- Request construction of a primary school, a secondary school, a community centre and public open space.
- Proposal should include a library.
- Existing issues in relation to the shortage of infrastructure and amenities locally must be resolved first and not further aggravated. A masterplan for the area is required.
- No community gain proposed with this development.

Traffic and Transportation

- Traffic is already a major problem in the area.
- Area is a key link to M50/N2/Dublin Airport, therefore existing high levels of traffic will be further exacerbated. Road safety dangers with trucks serving existing industrial estates in the area.
- Underground car park of shopping is insufficient with loss of this car park.
- Proposal will impact on Luas car park and park and ride proposal.
- The area is completely dependant on bus services for public transport which leads to capacity issues.
- Traffic is very heavy and it is difficult to get out of McKelvey Avenue.
- Nearest school is 40min walk away which will lead to increased traffic on McKee Avenue.
- Impact of additional car traffic on air quality.
- Increase in density of existing new developments is beyond the capacity of the roads.
- There is no cycle lane on the R135, hazardous for pedestrians and cyclists.
- Road safety.

- Removal of car park will result in lack of parking for shopping centre visitors.
- Area is completely dependent on bus services, which causes capacity issues and leads to car dependency, which would be further exacerbated, particularly in the absence of major investment in infrastructure.
- The promise of the Luas extension and BusConnects project is not enough to alleviate this concern, especially on a high-density development relatively far from the city centre. Developments of this scale should only be approved in tandem with confirmed major infrastructure projects, not in anticipation.

Other Matters

- Two submissions contend that the proposed development is on part of their land/property and consent has not been given. It is stated that land to the rear of 68 and no. 66 McKelvey Avenue is owned by no. 68 and no.66 by reason of adverse possession.
- Airplane hazard.
- Surface water and flooding issue.
- Disturbance to birds and wildlife.
- Existing unauthorised development at the site and level of noise generated should be taken into account and any permission should include conditions for penalties and recourse for residents.
- Site currently very accessible to children and is hazardous.
- There are four homeless people residing on the lands who should be rehoused before development commences.
- Loss of biodiversity and protected species in the hedgerow and stream behind McKelvey Avenue.
- Disturbance to wildlife and nesting birds in trees.
- Land is currently not draining properly. Concern raised re potential flooding.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Fingal County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 22nd July 2021. The Chief Executive's Report concludes that it is recommended that permission be granted subject to a number of conditions which are attached in Appendix E of the report, including a condition to reduce the southern arm of Block 4 to two storeys to match the western arm of Block 4; reduce western arm of Block 1 from seven to five storeys; reduce western and eastern arms of Block 2 from seven to five storeys; reduce southern arm of Block 3 from seven to five storeys; revision to plans to ensure all apartments meet 1.5% ADF standard, with satisfactory mitigation for all units that do not achieve the 2% standard; three bedroom units to account for 15% of the total number of units in the scheme (see Section 8.2 hereunder where conditions proposed are summarised and Appendix E of the CE Report).

8.1.1. The CE Report from Fingal County Council is summarised hereunder.

8.1.2. **Summary of Inter-Departmental Reports**

- Parks and Green Infrastructure Division – Concerns raised in relation to quantum and quality of open space. A number of conditions are recommended.
- Transportation Department – Issues raised in relation to quantum of bicycle and car parking standards which are below optimum levels and the impact of car parking on the public realm. A number of conditions are recommended.
- Water Services Section – A number of conditions are recommended.

8.1.3. **Summary of View of Elected Members:**

- Members call for proposed development to be rejected by ABP.
- Implications for Luas extension.
- Lack of community facilities; shortage of school facilities; lack of playgrounds; lack of a community centre; infrastructure trailing behind.
- Large number of one bed units.
- Extent of rental accommodation queries.
- Impact on properties on McKelvey Avenue in terms of overlooking.

- Contravention of the development plan queried.
- Opposition to SHD process.
- Scale of proposal is significant.
- Height is excessive.
- There appears to be no regard for families or sustainable development.
- Traffic levels existing are very high.
- Car parking levels at 500 spaces is too high considering climate change.
- Query location of Part V units.

8.1.4. **Planning Analysis**

- Density - Higher density development consistent with settlement strategy of the development plan and national and regional spatial policy.
- Zoning - Residential and mix of uses considered acceptable within TC zoning.
- Public Realm - The north-south and east-west links are considered beneficial in facilitating and encouraging people to move through the site. The quality and viability of the landscaping on the north-south street is critical in encouraging use of the space. The applicant has not satisfactorily demonstrated the landscaping will be successful given conflicts with lighting columns. This was raised at pre planning. A revised landscape plan and street tree plan is requested.
- POS – Main space is located under a previously permitted large attenuation tank. This has implications for compliance with FCC objectives in relation to POS provision and usability, specifically Objective DMS75 and Objective DMS73. Having regard to the objectives, instead of providing 24,11sqm of public open space, the development is providing for 3,170sqm of public open space. It is requested that the applicant be required to make up the shortfall in public open space by way of a financial contribution in accordance with Section 48 of the Planning and Development Act 2000 (as amended) and this contribution will be applied to the upgrade of local Class 1 open space facilities in Lanesborough Park, which the council is in the process of development plans for its redevelopment.

- Residential Amenity - A 1.5% ADF value has been applied to Living/Kitchen/Dining areas instead of 2% ADF standard. Blocks 1 and 2 show difficulties in achieving a 2% ADF value. Mitigation measures are proposed but only to the units below 60% of the optimal ADF of 1.5%. 33% of the LKDs at ground floor level in Block 1 (ground floor, northern aspect) would meet the 2% standard. 56% at the first floor level would meet the 2%. There are a number of LKDs on the second and third floor levels which don't meet the 2% or 1.5%.
- While the application site is in an urban area, the site is not considered to be impacted upon by constraints such as would lend the lower figure of 1.5% to be an acceptable threshold – the site is large in scale and not directly adjoined by development. The use of the lower figure combined with lack of satisfactory mitigation is considered to have a negative impact on the amenities for future residents. It is considered that revised floor plans should be submitted for Blocks 1 and 2 in which all LKDs meet the target of 1.5% with mitigation measures such as increased floor area or increased private amenity space to units which do not achieve the 2% standard.
- 10 out of the 11 garden/amenity spaces meet the BRE guidelines in relation to access to sunlight. BRE guidelines are a minimum requirement. The proposed block massing diagrams indicate communal spaces in shadow for the majority of times and dates analysed in March, June and December. Further consideration of the massing and scale of these blocks is recommended to ensure greater amenity and quality of light in the communal spaces and apartments affected by such overshadowing. It is recommended that amendments are made to the massing of Blocks 1 to 3 to address this, which would also result in the creation of a greater human scale within the scheme, improving the amenity of the communal spaces and the interface with the proposed park to the south.
- Unit Mix – Unit mix is predominantly 1- and 2-bedroom units. A greater variety of dwelling mix should be proposed in order to create a sustainable community in this development.
- Transportation and Parking – There are concerns in relation to extent of areas of surface parking, eg to southeast corner where vehicle parking dominates the

streetscape. The location of parking relative to some of the units is unclear, and some spaces are poorly passively supervised.

- Parking is provided at a rate of 0.87 spaces per unit. This is below the minimum practical parking requirements. Clubs car while referenced are not included as part of the calculation of residential car parking spaces.
- Cycle parking proposed is less than recommended in apartment guidelines. This should be amended to be in compliance.
- The location of non-residential parking is unclear.
- Perpendicular parking is proposed at the creche. This should be amended to provide for parallel parking and a revised access arrangement.
- Open Space and Landscaping – The size and design of the playground is not adequate, and the extent and range of play equipment needs to be expanded, in addition to details in relation to ground levels and materials. A condition is recommended.
- A depth of soil of 80cm for trees above the attenuation tank is shown, which is considered insufficient for trees to thrive. Increasing soil levels across the open space to achieve sufficient soil depth is not considered appropriate for this open space, therefore the applicant should revise the planting plan to omit all trees over the attenuation tank.
- The proposed paladin fencing to the public open space is not considered appropriate to a high quality space, therefore an alternative boundary treatment is requested.
- A phasing plan specifying the timing of delivery of open space should be agreed to ensure that public open space is available to residents on occupation of housing.
- Impacts on Amenities of Adjoining Dwellings – The shadow analysis does not illustrate the houses and private amenity space at McKelvey Avenue and this is considered essential to fully assess the proposed development on same. Concern remains in relation to 4 storey element of Block 4 and its impact on McKelvey Avenue.

- Water Services – The surface water proposal is considered acceptable in principle given the site constraints in place.
- Foul Drainage and Water Supply – Irish Water has indicated a new connection is feasible.

8.2. **Statement in accordance with 8 (3) (B) (II)**

The Chief Executive's Report recommends a grant of permission, subject to a number of conditions, including the following:

- C2 – Eastern section of Block 4 at its southern end shall be reduced to two storeys in height, to match the western end; western arm of Block 1 should be reduced from seven storeys to five storeys; the western and eastern arms of Block 2 should be reduced from seven to five storeys; the southern arm of Block 3 should be reduced from seven to five storeys; revised plans for Block 1 and 2 to show all LKD meet the 1.5% ADF with satisfactory mitigation for all units which do not achieve 2%; three bedroom units accounting for 15% of total number of units.
- C7 – Revised landscape plan.
- C8 – Scheme for the planting of street trees within the pedestrian boulevard.
- C9 – Tree and hedgerow protection measures.
- C11 – Car parking and cycling parking arrangement.
- C12 – Signage for retail/commercial units, office suites, childcare facility and health/medical centre.
- C13 – The two retail/commercial units shall be used solely for purposes in accordance with Class 1 and Class 2 of Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended). The office suites shall be used solely for purposes in accordance with Class 2 or 3 of the P&D Regulations 2001 (as amended). The health/medical centre shall be used solely for purposes in accordance with Class 8(a) of the P&D Regulations 2001 (as amended). The foregoing shall exclude the use of any unit as a betting office or takeaway unless planning permission has been granted by the PA or ABP on appeal.
- C16 – Use of cranes and IAA and DAA.

- C17 – Notification of IAA of crane operation at least 30 days prior to commencement of development.
- C25 – Public art or sculpture or architectural feature to be designed.
- C29 – Agree with NTA layout for Charlestown Place including bus parking areas.
- C30 – Phasing plan, including Class 1 open space and pedestrian boulevard.
- C33 – Financial contribution in lieu of open space under Section 48 of the P&D Act 2000 (as amended).

9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- National Transport Authority
- Dublin Airport Authority
- Transport Infrastructure Ireland
- Dublin City Council, Planning Department
- Fingal County Childcare Committee
- Irish Aviation Authority

Six of the bodies have responded and the following is a summary of the points raised.

9.1. DCC –

- Site lies in close proximity to recently rezoned lands at Jamestown Road/McKee Avenue/St. Margaret's Road, where lands zoned from Z6 to Z14, with an objective 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 area is designated a SDRA.
- Close proximity of proposed Block 4 to the rear and southern garden boundaries of no.s 40-68 McKelvey Avenue. Need to ensure avoidance of excessive

overshadowing, undue overlooking and overbearance. The two storey nature of the development to the rear of no.s 62-66 is welcomed, however, the four storey development of the rear of 54-60 could result in overlooking.

- Public Open Space proposed to rear of no.s 42-54 – need to ensure that the safety and security of these properties is not compromised.

9.2. TII – No observations to make.

9.3. NTA –

- The Board should consider carefully whether the receiving environment is appropriate for intense redevelopment without clarity as to how and when improvements will be made to accommodate increased levels of pedestrian movements and cycling, in particular through the adjacent junctions.
- The NTA is currently pursuing two major projects in this area – Luas Finglas and BusConnects.
- It is the intention, as things stand, to provide a terminus for the Luas Green Line to Finglas at Charlestown, close to the proposed development. The NTA can confirm that the proposed development does not affect the delivery of the Luas Finglas project.
- Under the bus network review, Charlestown is to become a significant hub for radial and orbital services of a high frequency. The NTA notes that Charlestown Place is incorporated into the red line of the planning application and that the existing bus cages are to be accommodated (although this is not clear in the Site Layout drawing). The implementation of BusConnects, however, will require additional stops at these locations.
- The NTA notes, and welcomes, the removal of the northbound right-turn pocket into Charlestown centre as a means of improving the functioning of this urban area. It is essential, however, that the ability to undertake this right-turn movement is maintained in the junction design and signalling arrangements as it is required for buses to turnaround and to reach layover to the north of Charlestown Place. Measures to protect buses from undue delay may also be required to be incorporated into the design.

- In the event of a grant of permission, the applicant is required by way of condition, to agree with the NTA a layout for Charlestown Place. This will include arrangements for the provision of adequate bus stopping facilities, which will enable the proposed development to operate in a sustainable manner, and a means of facilitating the right-turn movement northwards from Charlestown Place for buses.

9.4. Irish Water –

- A section of the existing 250mm DI main is within the site boundary on the North of the Development. The applicant has previously been notified that they are required to demonstrate that proposed structures and works will not inhibit access for maintenance or endanger structural or functional integrity of the infrastructure during and after the works. A wayleave in favour of Irish Water will be required over the infrastructure that is not located within the Public Space.
- The applicant has been issued a Statement of Design Acceptance for the development.

9.5. IAA – The applicant/developer should be conditioned to notify the IAA/DAA/Dublin Airport and the IAA’s Air Navigation Service Provider of the intention to commence crane operations at least 30 days prior to their erection.

9.6. DAA – It is requested that a condition is attached to any grant of permission, requiring the developer to agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with DAA and with the Irish Aviation Authority.

10.0 Oral Hearing Request

Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Two observer submissions have requested an oral hearing. One submission is from a resident of 62 McKelvey Avenue, with issues raised in the submission relating to:

- proximity of development to houses on McKelvey Avenue,
- noise levels,
- traffic and difficulties exiting onto St. Margaret's Road,
- visual impact,
- overdevelopment of the site and
- visual impact of the proposed development.

The other submission is from a resident of Melville Close, Cityside, in Meakstown, with issues raised in relation to:

- lack of community facilities and no community gain,
- lack of public amenities, schools and a community centre,
- requirement for additional green spaces,
- social issues arising from lack of existing amenities,
- no traffic planning and infrastructure,
- poor waste management in the area of the existing industrial estates affects the area,
- issues of landscaping and security,
- height and extent of small units,
- SHD build is unsuitable for this already overcrowded and under invested/maintained/cared for community which will be detrimental to the existing and future community of this area.

In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I do not consider that there is a compelling case for an oral hearing in this instance.

Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I therefore recommend that an oral hearing need not be held.

11.0 Assessment

11.1. Introduction

11.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density and Dwelling Mix
- Layout and Design
- Quality and Residential Amenity of Proposed Development
- Residential Amenity of Neighbouring Properties
- Social Infrastructure Assessment
- Traffic, Transportation and Access
- Water Services including Flood Risk Assessment
- Material Contravention

These matters are considered separately hereunder.

11.1.2. I have carried out an Environmental Impact Assessment and Appropriate Assessment Screening in respect of the proposed development, as detailed later in this report.

11.1.3. Each section of the report is structured to guide the Board to the relevant section of the EIAR, AA Screening, relevant policy, substantive issues raised in the submissions / observations and the applicant's response as appropriate.

11.2. Principle of Development

11.2.1. The site is zoned 'TC - Town and District Centre' in the Fingal Development Plan 2017 – 2023 and the site is within the 'core retail area' for Charlestown. The proposed uses of residential, retail, office, childcare facilities and health/ medical centre are all 'Permitted in Principle' within the TC zone. The stated zoning objective for 'TC' zoned lands is to seek to 'protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities. The vision for this zone further seeks to develop and consolidate these centres with an appropriate mix of commercial, recreational, cultural, leisure and residential uses and to enhance and develop the urban fabric, emphasise urban conservation, and ensure priority for public transport, pedestrians and cyclists.

11.2.2. Concerns have been raised in submissions in relation to the low mix of other uses and predominance of residential use. There is no stated optimum mix of uses within the development plan for such Town and District Centre zones. I am satisfied, having regard to the context and uses within the existing Charlestown Centre development, (which include retail, commercial, health, and leisure type uses), that the mix of uses proposed is in accordance in principle with the zoning objective and vision for the application site. The principle of development is therefore acceptable, subject to detailed planning considerations, as set out hereunder.

11.3. **Density and Dwelling Mix**

11.3.1. The proposed development comprises 590 units on a net site area of 3.14ha, resulting in a net density of 188 units per hectare. The application site is zoned TC, Town and District Centre and is located within the Dublin City and Suburbs Consolidation Area of the Metropolitan Area, as per the settlement hierarchy within the Fingal Development Plan 2017-2023. The development plan states in relation to residential density that as a general principle and to promote sustainable forms of development, higher densities will be promoted within walking distance of town and district centres and high capacity public transport facilities. Objective SS15 of the plan seeks to 'Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services'. I also note development plan Objectives Charlestown and Meakstown 1, Objective SS01A, and Objective SS02B, which support higher densities at locations such as this.

- 11.3.2. A number of observer submissions have expressed concern in relation to scale of development proposed at this location and raise concerns that it will result in overdevelopment of the site.
- 11.3.3. The submitted CE Report highlights that the development strategy for the Charlestown/Meakstown area is to consolidate development of these centres in a coordinated manner, promoting and enhancing the role of Charlestown Centre as a focal point for community, while improving integration and linkages with Finglas and neighbouring industrial areas.
- 11.3.4. In terms of the national policy context, the National Planning Framework (NPF) 2018 promotes the principle of 'compact growth' at appropriate locations and requires at least half of new homes within Ireland's cities to be provided within the existing urban envelope. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. Of relevance is objective 35 of the NPF which prioritises the provision of new homes at increased densities in settlements where appropriate. Section 28 guidance, including the Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, provide further guidance in relation to appropriate densities.
- 11.3.5. The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 11.3.6. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) addresses this issue in more detail by defining the types of location in cities and towns that may be suitable for increased densities, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. In my opinion the site can be considered an Intermediate Urban Location, where >45 dwelling per hectare net is supported. Furthermore the

Sustainable Residential Density Guidelines note that higher densities should be supported on lands within existing or planned public transport corridors, specifically within 500m walking distance of a bus stop or within 1km of a light rail stop. I note existing bus services adjoining the site are high frequency and there are plans to increase this frequency and number of services through BusConnects, as well as plans for extension of the existing Luas green line to Finglas to serve this area, in addition to improvements to the cycle network as part of the Greater Dublin Area Cycle Network Plan.

11.3.7. I am of the opinion that given the zoning of the site and it's immediate context and location, the delivery of residential and mixed use development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b). The site is located in an intermediate urban location as defined by the Apartment Guidelines, where high density apartment developments are supported. I am satisfied that the site is sequentially well placed to accommodate compact growth in this developing urban area, and is appropriate within the national and local policy context, subject to an assessment of design and amenity standards, which are discussed further in detail hereunder.

Unit Mix

11.3.8. The unit mix is as follows:

	1 bed	2 bed	3 bed	Total
Apartments	234	316	40	590
As % of total	40%	53%	7%	100%

11.3.9. The 2020 Guidelines on Design Standards for New Apartments state under SPPR 1 that 'Housing developments may include up to 50% one-bedroom or studio type units ... 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)'.

11.3.10. I note the CE Report considers there should be a greater mix of three bed units and recommends a condition that three bedroom units should account for 15% of the total number of units in the scheme. As per SPPR 1, there is no minimum requirement for three bed units within an apartment development and the proposed number of one bed units does not exceed 50%. There is no Housing Need Demand Assessment as part of the county development plan which would support a more specified mix of unit sizes at this location. The Apartment Guidelines recognise that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The proposal in my opinion serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community, which has traditionally been served by standard housing.

11.3.11. While concerns are raised in submissions that there is an excessive supply of apartment developments and such schemes can lead to transient populations and poor mental health due to less social interaction between occupants, there is no evidence to support this assertion. The prevailing context is of a well serviced, centrally located, urban area serviced by the developing Charlestown Centre, being a short commuting distance from a range of employers, including those in the city centre. Each block proposed is well served by communal open space, in addition to the proposed public open space. Having considered all the information before me, I consider that apartment accommodation and the proposed mix of units is overall acceptable at this location, will not lead to an oversupply of apartments having regard to the wider context, and is in line with the overarching national aims to increase housing stock, including in the apartment sector, as set out in various policy documents, including, but not limited to, Rebuilding Ireland – Action Plan for Housing and Homelessness (2016). I acknowledge the evolving urban context at this location, included the rezoning of lands in close proximity in the administrative are of DCC, which is raised as an area of concern in relation to potential number of apartments in this area and associated social and physical infrastructure requirements. While some

submissions consider a masterplan is required for this area, the future development of this area will be subject to the DCC development plan.

11.4. **Layout and Design**

Overall Layout and Connectivity/Permeability

- 11.4.1. The layout of the scheme has been informed by the existing site context, specifically the presence of Charlestown Shopping Centre immediately to the north of the site and phase 2 of the centre to the northwest, on the opposite side of Charlestown Place, in addition to the context of the adjoining streets of Charlestown Place and St. Margaret's Road to the northern and eastern boundaries respectively. The context of two storey dwellings to the south of the site has also influenced the layout and design.
- 11.4.2. The proposed development comprises four blocks. Blocks 1, 2, and 3 front onto Charlestown Place. Block 1 is positioned at the junction of Charlestown Place and St. Margaret's Road and therefore presents onto both of these streets. Blocks 1, 2 and 4 are designed as perimeter blocks, with Block 3 being L shaped in form. A pedestrian street runs north-south through the scheme between Blocks 1 and 2, with the proposed pedestrian street to align with a new north-south crossing of Charlestown Place (to be repositioned west of its current location in front of the entrance to Charlestown Centre) to connect in with the street to the north. The new north-south pedestrian street will terminate to the south of the site at a proposed public open space and playground, adjoining the boundary with McKelvey Celtic AFC to the east and part of the rear of dwellings on McKelvey Avenue which back onto the site. The proposed commercial/office and childcare uses are positioned at the ground levels of opposing Blocks 1 and 2, fronting onto the new north-south pedestrian route, which will ensure activity at street level, with own door units also proposed at the ground level of Blocks 1 and 2 fronting Charlestown Place, which will further activate this adjoining street. There is also an east-west route across the site on the southern side of Blocks 1, 2 and 3 (eastern part of this route is pedestrian/cycle only with proposed access from St. Margaret's Road).
- 11.4.3. The primary vehicular access to the site is proposed from Charlestown Place, at the northwest of the site, between Blocks 2 and 3, with this route also providing access to McKelvey Celtic AFC. Upgrades to the existing signalised junction on Charlestown

Place are proposed. As noted previously, the existing pedestrian access from the Charlestown Shopping Centre across Charlestown Place is proposed to be relocated to the west. Permission is also sought for associated reconfiguration of the central median on Charlestown Place and the existing footpath, cycle track and hard and soft landscaping on the northern edge of Charlestown Place and south of the Charlestown Shopping Centre to improve on the public realm and pedestrian permeability. While the PA raises concerns in relation to the level of surface parking to the southeast, I am satisfied that the layout as proposed is adequately broken up by landscaping and parking does not dominate the layout at this southwestern corner of the site.

- 11.4.4. I am overall satisfied that the general design and layout of the scheme as proposed would provide for a positive public realm, and a highly legible and permeable urban environment with a focus on pedestrian permeability and movement across the main routes through the site.

Height, Scale and Design

- 11.4.5. Submissions have raised concerns in relation to suitability of the height, scale and massing of the proposed development in this area and its impact relative to the two storey dwellings which back onto the site. It is contended that the submitted height does not respect the existing built environment or contribute to the area and is excessive.
- 11.4.6. I have examined national as well as local policy in the assessment of the issue of building height. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides a detailed national planning policy approach to the assessment of building height in various urban locations and recognises the need for our cities and towns to grow upwards, not just outwards, in order to achieve and deliver compact growth. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPR3 and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards, including national policy in the National

Planning Framework, particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements. In addition to the architectural drawings and design statement submitted, I refer the Board to the submitted Verified Photomontages and Chapter 12 of the submitted EIAR in relation to Landscape which assessed townscape and visual impact. In addition a Daylight and Sunlight Assessment Report has been submitted. I have had regard to all documents submitted and submissions made and have viewed the site from various locations.

- 11.4.7. The subject site is located at the junction of Charlestown Place and St. Margaret's Road, with extensive frontage onto both streets. The site is well served by public transport, with notable plans for increasing capacity in the future via BusConnects and Luas Finglas (see Section 11.8 hereunder on traffic and transportation). There are a large number of employers in the immediate and wider area, with a broader range of employers also accessible within a relatively short commute to Dublin City Centre. The site, being within the Metropolitan Area and zoned Town and District Centre, is an appropriate location for consolidated urban growth.
- 11.4.8. Charlestown Centre, which is on the opposite side of Charlestown Place to the application site, comprises five levels of residential accommodation above double height ground level commercial spaces with an indoor shopping mall layout, all over basement car parking. To the west of it is a recently constructed apartment scheme 6 storeys in height. The Centre also comprises a twelve storey residential tower at its junction with Charlestown Place and St. Margaret's Road, on the opposite corner to the application site. This is a very visible and legible landmark in the area. To the east side of the junction/on the other side of St. Margaret's Road is a three to four storey apartment block set back from the junction and street. On the other corner of the junction are a number of large warehousing units called 'Century Business Park', also set back from the junction and street. St. Margaret's Road/R104 is a very busy route connecting to Finglas Village to the south and over the M50 to the north. Charlestown Place is also a wide and busy street providing for a connection across to the R135, which connects to the M50 and N2. The application site is currently underutilised, comprising a temporary surface car park serving the shopping centre in addition to a greenfield area, and in its current state weakens the evolving urban form created at Charlestown Centre, with development only on the north side of

Charlestown Place at present. I note the scale of the streets at Charlestown Place and St. Margaret's Road and while the Charlestown Centre has addressed the junction through the addition of height (12 storeys) and active ground floor commercial units, the area and the streets would benefit from further enclosure and improvement of the public realm for pedestrians with the development of this site and the creation of a more consolidated visual node at the junction.

11.4.9. The site has in my opinion had sufficient regard to its context, being influenced primarily in its design/massing/height by the neighbouring Charlestown Centre, while modifying its height and massing at the southern boundary, influenced by the residential context of McKelvey Avenue and its two storey houses. The design of Blocks 1, 2 and 3 proposes a strong urban edge to Charlestown Place and St. Margaret's Road, with heights ranging along Charlestown Place from 10 storeys (at the junction) to 7 storeys (Block 1); 7 and 6 storeys (Block 2); and 7 to 8 storeys (Block 3); and 6 to 7 storeys (Block 1) along St. Margaret's Road. Block 4 at the southern end of the site adjoining the rear boundary of dwellings fronting onto McKelvey Avenue modulates in height from 2-4-5 storeys. The proposed development in my opinion will not be out of character in terms of height and design having regard to Charlestown Centre. The development as proposed will integrate with and enhance the adjoining public realm to the north and east in particular, providing for an active edge with a staggering of massing and height, which will add to the urban form at this location, as well as supporting additional legibility in the area and at the junction of Charlestown Place and St. Margaret's Road. The provision for improved activity and engagement at street level and enhancements to the public realm along Charlestown Place and greater sense of enclosure with Charlestown Shopping Centre is positive from an urban design perspective and I consider the overall contemporary design to be acceptable. With regard to McKelvey Avenue, while the development will be of increased scale compared to the two storey form of the dwellings here, I do not consider, given the design and modulated height of Block 4 as well as distance from boundaries, that the proposal will detract from the existing character, with the site of sufficient scale to establish its own character. While the development will be visible from the rear of the existing dwellings backing onto the site and will be visible from the street over the top of existing dwellings, with the view changing considerably from the existing view, this visibility is not harmful in my view

and the level of visual change is appropriate for the urban location of the site, where a varied density and scale of development is to be expected given the site location and development plan policy for consolidation. To support the development of sustainable communities, the creation of mixed forms and typologies alongside the existing built form is required, which will also in my opinion contribute to the architectural interest of the area as it evolves alongside the existing two storey urban form. I have considered in more detail in Sections 11.5 and 11.6 hereunder the impact of height on residential amenity of neighbouring properties and on the quality of accommodation for future occupants.

11.4.10. Overall, I consider that the proposed development satisfies the general considerations in relation to height as set out in the Building Height Guidelines. The proposal adequately addresses the issues of proximity to high quality public transport connectivity (existing high frequency bus service, with planned improvements via BusConnects and Luas Cross City Finglas extension); contribution to the character and public realm of the area (specifically Charlestown Place and St. Margaret's Road); contribution to the urban streetscape through the ground level uses proposed in Blocks 1 and 2 and manner in which Blocks 1, 2 and 3 address the adjoining streets; contribution to greater legibility and place making at the junction of Charlestown Place/St.Margaret's Road; and to the provision of an additional mix of uses as well as apartment typologies in the area. There is furthermore a high level of connectivity and permeability within the site and into the surrounding street network. I am satisfied that the development is reflective of good contemporary architecture, would provide for a positive public realm, and a highly legible and permeable urban environment. Having regard to all of the above, I consider the site has the capacity to absorb a development of the nature and scale proposed and the design, height and layout are in my view acceptable.

Open Space Strategy

11.4.11. As stated in the guidelines on Sustainable Residential Development in Urban Areas, on large infill sites or brown field sites public open space should generally be provided at a minimum rate of 10% of the total site area. It is noted that 'where existing recreational facilities are available close to town and city centres, public open space provision on a strictly population basis is not appropriate. Apartment

developments in particular, will be unable to achieve public open space standards similar to suburban developments where bed space rates are considerably lower’.

11.4.12. The Fingal Development Plan 2017-2023 states for all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population, as per Objective PM52 and Objective DMS57. It is further stated that ‘It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area’. Objectives DMS57A and DMS57B are noted in this regard. The development plan states that ‘SuDS areas do not form part of the public open space provision, except where they contribute in a significant way to the design and quality of open space as defined by the Planning Authority’. The development plan further states green corridors will not generally be included as part of the quantitative calculation for open space provision, except with the agreement of the Planning Authority. Objectives DMS73 and DMS74 are noted in this regard.

11.4.13. In terms of the open space strategy, the applicant is proposing one larger public open space area to the southeast of the site, bounded to the east by McKelvey Celtic AFC. This is supported by central communal open spaces within the perimeter blocks, a pedestrian boulevard travelling north-south and an east west open space (swale) which provides paths alongside it for pedestrian access/movement east-west from St. Margaret’s Road into the scheme. In accordance with DM57 of the development plan, a minimum open space provision of 2.4ha is required (which is in excess of 10% of the site area, which would be 0.34ha). The applicant states the following open space quantum are being provided:

Open Space No.1	4737 sqm (of which 1567sqm is over an attenuation tank; 3170sqm is over a green area)
Linear Open Space No.2 (south of Block 1 with pedestrian/cycle access off St. Margaret’s Road)	1848 sqm
Pedestrian Boulevard	2160 sqm

TOTAL	8745 sqm
-------	----------

- 11.4.14. The CE Report states that in accordance with Objective PM52 and Objective DMS57, there is an open space requirement of 2.41ha/24,100sqm based on population figures. The PA considers that 3170sqm of open space is being provided, which is the area of Open Space No.1, minus the area of 1567sqm over the existing/under construction attenuation tank serving Charlestown Centre and adjoining lands. The PA do not consider that Linear Open Space No.2 or the Pedestrian Boulevard can be classified as public open space as per development plan policy. The PA states there is therefore a shortfall of 20,930sqm (2.09ha) public open space and the applicant is requested to make up this shortfall by way of a financial contribution in lieu of public open space, with the contribution to be applied towards the continued upgrade of local Class 1 open space facilities in the Lanesborough Park. It is stated that this should be applied as per Section 48 of the Planning and Development Act 2000, as amended.
- 11.4.15. The submitted Planning Report from the applicant considers that as 10% of the site area is being provided in accordance with DMS57A and DMS57B, a development contribution in lieu of open space is not required.
- 11.4.16. While the PA does not specifically set out why they do not consider Linear Open Space No. 2 or the Pedestrian Boulevard within its open space calculation, the PA do quote DMS74 which states underground tanks and storage systems will not be accepted under public open space and DMS73 which states SuDS do not form part of the public open space provision except where it contributes in a significant and positive way to the design and quality of open space. I further note development plan policy, which states green corridors 'will not generally be included as part of the quantitative calculation for open space provision'. Green corridors are described as 'linear open spaces along paths, water courses, planting or other natural features that provide opportunities for walking and cycling, informal recreation, and biodiversity and wildlife migration'. This in my opinion applies to the pedestrian boulevard path and adjoining planted areas, which I do not consider part of the open space. I note Linear Open Space 2 is a swale area (approx. 80m long by approx. 9m wide) with one pedestrian bridge over it and a level difference of 850mm between

the base of the swale and the adjoining paths (see Landscape Section E-EE). I note Objective DMS73 states SuDS do not form part of the public open space provision except where it contributes to the design and quality of the open space and in such instances should comprise no more than 10% of the open space. Given the level differences involved, the swale cannot in my opinion be considered to contribute in a significant and positive way to the design and quality of open space given the limitations to its usability by residents, and I therefore agree with its exclusion from the calculations of open space, as per DMS73. The provision of the swale at this location will widen the green corridor adjacent to the path and improves visibility of SuDS and may have some biodiversity value within this urban environment. With regard to the attenuation tank under Open Space No. 1, it has been provided as part of the treatment for past and future developments at Charlestown Centre and this proposal is incorporating this existing tank into the design of the park as part of the layout of this scheme and will also be used by this scheme. While planting may be limited due to the level of soil over the tank, I consider the space is nonetheless viable as open space and can be utilised to deliver a well designed and usable amenity space at this location. I consider the limitation of the area of SuDS to no more than 10% of the open space calculation is not strictly applicable to this area, given it is not proposed as part of the new SuDS strategy just for this site, but is existing infrastructure serving the wider area. In this regard, I consider it appropriate to consider the entire area of 4737sqm of Open Space No. 1 as calculable as open space.

11.4.17. I accept that the entirety of the open space as required by DMS57 cannot be provided for on the site, however, 10% of the site area is being provided and therefore the first part of Objectives DMS57A and B is being complied with. DMS57A and DMS57B differ in that DMS57A allows for the developer to provide for or undertake upgrades to park/facilities off site, whereas DMS57B requires a financial contribution for the PA to undertake such works. I note Lanesborough Park, referred to in the CE Report for upgrade, is approx. 410m east of the site and the CE Report states a contribution in lieu of open space would be applied to this park. It is stated by the PA that this should be applied under Section 48 of the Planning and Development Act 2000, as amended, and as provided for in the Contribution Scheme for Fingal County Council.

11.4.18. The current development contribution scheme, adopted under Section 48 of the act, includes a 'Note 5: Open Space Shortfall', under the heading 'Level of Contribution', whereby it is stated contributions collected would be used for 'the provision of open space, recreational and community facilities and amenities and landscaping works – see Appendix 2' (Appendix 2 appears to be in error titled Appendix 11 in the appendices – they are one and the same). The PA is seeking a contribution in lieu, in accordance with this scheme as per their recommended condition 33 'That a financial contribution be paid by the applicant to Fingal County Council in lieu of open space provision towards the cost of amenity works in the area of the proposed development in accordance with Section 48 of the Planning and Development Act 2000 and as provided for in the Contribution Scheme for Fingal County Council made by the Council. This shall be based on a shortfall of 20,930sqm of open space'. I note the development contribution scheme states 'This contribution in lieu of open space will be levied at the following rates; 1. Class 1 Open Space - €100,000 per acre to purchase land based on the value of amenity land, Plus €100,000 per acre for development costs. 2. Class II Open Space - €250,000 per acre to purchase land in residential areas, Plus €100,000 per acre for development costs'.

11.4.19. Should the Board be minded to grant permission, I recommend a condition to address the shortfall be attached to any permission, as per the development plan provisions of Objective DMS57B. I note that Section 48(2)(c) is not being invoked here by Fingal County Council. I note that Section 48(2)(c) would not be applicable as no specific exceptional costs are set out by the PA that would provide a legal basis for the application of a special financial contribution under section 48(2)(c) of the planning act.

11.4.20. In relation to playground facilities, ie play equipment within the open space provided, Objective PM63 of the development plan states 'Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development'. I note the Parks Report states the proposed main playground is inadequate in relation to its size and function, and an equipped playground of a minimum size of 2360sqm is required, as per Objective DMS75 of the development plan, which states 'playground facilities shall be provided at a rate of 4sqm per residential unit'. Compliance with DMS76 which requires a minimum of

one piece of play equipment for every 50sqm of playground has also not been complied with. I note that while reference is made to these facilities being provided as one playground, this is not required by the objective.

11.4.21. The applicant in the submitted planning report quotes the requirements of the Apartment Guidelines in relation to children's play, where children's play needs are required to be provided for within private open spaces (balconies proposed to all apartments); small play spaces 85-100sqm and within play areas 200-400sqm for older children and young teenagers (4no. small play spaces each measuring 100sqm with play equipment are proposed within the communal courtyard areas of Blocks 1 to 4, catering for the 0-4 age group; and a large play area of 349sqm with associated play equipment is proposed within the central public open space for the 6+ age group/older children). The total playground facilities being provided for by the applicant is stated to total 749sqm in area. The development plan Objective DMS75 has not therefore been complied with, as at a rate of 4 sqm per residential unit, the required playground facilities should equate to 2360sqm, with the proposal resulting in a shortfall of approx. 1611sqm of playground facilities. I note that studio and one bed apartments will not generate the same requirement for play facilities as two/three bed units, which is an issue recognised in the Apartment Guidelines in relation to the calculation of childcare spaces. One would presume that a similar exemption may be applicable in this instance as the developer will not be generating a requirement for play facilities and equipment for one bed units, however, it does not appear that the development plan allows for such an exemption. I consider this issue and the amount of equipment provided for can be adequately addressed by way of condition to ensure adequate play space is provided for across the scheme in both the communal and public open space areas.

11.5. **Quality and Residential Amenity of Proposed Development**

Design Standards for New Apartments

11.5.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the Minister in 2020 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.

- 11.5.2. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.
- 11.5.3. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development is stated to comprise 305 dual aspect units, equating to 51%. I have reviewed the drawings submitted and am satisfied that the dual aspect units proposed are acceptable. No north facing single aspect units are proposed.
- 11.5.4. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.
- 11.5.5. SPPR 6 specifies a maximum of 12 apartments per floor per core. It is noted in the submitted Material Contravention Statement that Objective DMS23 of the development plan states 'Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes'. It is proposed up to 9 apartments per floor will be served by a stair/lift core. The Board is open to considering this issue under Section 37(2)(b)(iii) of the planning act. A grant of permission in contravention of that provision of the development plan would in my opinion be justified to give effect to the Apartment Guidelines issued by the minister in 2020 (see section 11.10 hereunder in relation to Material Contravention).
- 11.5.6. Section 4.10 of the guidelines refers to the requirement for communal amenity space. Appendix 1 outlines requirements of 5sqm per one bedroom unit, 6sqm per two bed 3 person unit, 7 sqm per two bed 4 person unit, and 9 sqm per three bed unit. The proposed development results in a requirement for 3790 sqm. This is being provided for by way of the open space in the centre of the blocks, and three rooftop spaces in Blocks 1, 2 and 4, with a total stated area of 4135sqm. I consider this acceptable and in compliance with the guidelines.
- 11.5.7. Appendix 1 of the guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas.
- 11.5.8. Private open space is provided in the form of balconies and the minimum space and depth standards are met.

11.5.9. A Building Lifecycle Report as required by the guidelines has been submitted.

11.5.10. Car and cycle parking provision is considered acceptable (see Section 11.8 hereunder) and is in accordance with guidelines.

Daylight

11.5.11. The Sustainable Urban Housing Design Standards for New Apartment Guidelines 2020, and the Development Management Criteria for taller buildings in Section 3.2 of the Urban Development and Building Height Guidelines 2018, recommend that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Apartment and Building Heights Guidelines. Both the Building Heights and Apartment guidelines indicate that where an applicant / proposal cannot fully meet all of the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and thereafter the planning authorities / An Bord Pleanála should apply their discretion, having regard to local factors including site specific 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. This is also provided for within the BRE guidance document itself.

11.5.12. The Fingal Development Plan 2017-2023 states under Objective DMS30 'Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents'.

11.5.13. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state that although it gives

numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards therefore described in the guidelines are one of a number of matters to be considered in a balanced and holistic approach to assessment of the site context and building design.

11.5.14. The BRE and BS guidance documents recommends that for new dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room, 1% for a bedroom and 1.5% for a living room / bedroom. Section 5.6 of the BS guidance states that where a room serves more than one purpose, the minimum ADF for the room with the highest value should be applied. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This BRE 209 guidance does not given any advice on the targets to be achieved within a combined kitchen/living/dining layout, although reference is made to the higher level of 2% as per BS8206 – Part 2: 2008 Code of Practice for Daylighting in the submitted report. I would emphasise that the targets described in the BRE guidelines are discretionary. The proposed units contain combined kitchen/living/dining layouts, and no completely internal kitchens are proposed.

11.5.15. The assessment methodology (section 5 of the submitted Daylight and Sunlight Assessment Report) states that an ADF target of 1.5% has been applied to combined living/kitchen/dining rooms (LKDs) and states the rationale for this is that the primary function of LKDs within apartment developments is typically that of a living space and therefore 1.5% applies. It is stated that should a higher target value be sought, design changes would be needed, such as the removal of balconies or a reduction of unit sizes to achieve an ADF of 2% across this larger/deeper shared space. It is stated that these possible mitigation measures can reduce the quality of living within the proposed units more than the improvements gained by higher ADF values.

11.5.16. With regard to Block 1 and 2, all the ground to third floor units were assessed and the apartments in the floors above this all met the applied target value of 1.5%,

therefore full details of the floors above have not been, and are not required to be, set out. I am satisfied that all worst-case scenarios apartments have been assessed. For Blocks 3 & 4, all the ground and first floor rooms have been assessed with all rooms meeting the guidelines or the ADF target of 1.5%, which is the appropriate target applying the BRE flexibility re targets, from the second floor upward. The submitted Daylight and Sunlight Assessment Report states that of the 1575 No. rooms across the 4 blocks, 450 rooms were assessed as the worst case scenario rooms, with 54 of these rooms not meeting the recommended level of daylight of 1.5%, and the approximate compliance rate was calculated at above 97%.

11.5.17. I note the applicant has applied a 1.5% ADF to combined LKD areas. There are limited instances where the 1.5% ADF for LKD areas are not met. The rooms in question are highlighted within the tables set out in section 6.5 of the submitted Daylight and Sunlight Assessment Report. A rationale for alternative compensatory design solutions have been set out in section 7.4 of the report submitted and in the Architects Design Report. It is stated that changes were designed into the buildings during the iterative design process to maximize the daylight received. The following compensatory measures are highlighted:

- Block 1 - Increased Window size. Extensive reconfiguration of internal layouts to units in Cores 2 and 3 along with the reconfiguration of internal layouts across units in Cores 1, 4 and 5.
- Block 2 - Redesigning the internal layout including room depth, adding/increasing window sizes and removing balconies. Increased window size. Extensive reconfiguration of internal layouts to units in Cores 2, 3 and 4 along with the reconfiguration of internal layouts across units in Cores 1 and 5.
- Block 3 - Increased Window size and reconfiguration of internal layouts to improve ADF values for rooms facing East onto Block 2.
- Block 4 - Maximised window sizes, internal reconfiguration to reduce depth of rooms.

11.5.18. The submitted Architects Design Report further identifies specific apartments, which obtained the least optimal results, and where design mitigation has as a result been applied:

- Block 2, Unit 4 – ADF value for LKD of 0.67% instead of 1.5%, which is 45% compliant. This unit has compensation in the form of increased Private Open Space - 120%; is a larger unit - 113% overall area, recessed living room with balcony providing additional defensible space between living room and street.
- Block 2, Unit 54 - ADF value for LKD of 0.81% instead of 1.5%, which is 54% compliant. This unit has compensation in the form of increased Private Open Space - 252%, Own Door Access, Large unit - 162% overall area.
- Block 2, Unit 55 - ADF value for LKD of 0.57% instead of 1.5%, which is 52% compliant. This unit has compensation in the form of Increased Private Open Space - 204%, Own Door Access, Large unit - 106% overall area, recessed living room with balcony providing additional defensible space between living room and street.
- Block 2, Unit 63 - ADF value for LKD of 0.83% instead of 1.5%, which is 55% compliant. This unit has compensation in the form of increased Private Open Space - 121%, Large unit - 115% overall Area, Large K/L/D Area -127%. Direct access to communal courtyard.

11.5.19. I have examined all the documentation submitted and note the concerns raised in the CE Report which requests removal of a floor to blocks 1, 2, and 3 to address issue of ADF values. I consider the overall standard of compliance achieved at 97% of units with ADFs of 1.5% and over to be acceptable and is a balanced approach to ADF values having regard to the function of the room and all site and design factors applicable to this underutilised zoned site. I note design measures taken, including that the perimeter blocks of 1, 2 and 4 are two storeys in height along their southern edges so as to maximise daylight and sunlight. Blocks 1 and 2 also contain gaps along the east and west to provide increased daylight and secondary aspect. I note all units have a good aspect and external amenity spaces in the form of balconies/terraces and there are no north facing, single aspect units. The applicant has proposed design measures to maximise light, as well as mitigation measures to address the limited number of instances where ADF values fall below 1.5%. On balance, where shortfalls have been identified, they are not in my opinion significant in number and are generally limited to those units on the lower floors, or which have balconies or opposing blocks that partially obstruct daylight/sunlight provision. While I acknowledge the concerns of the planning authority in this regard, I

consider there is adequate justification for the application of the 1.5% ADF value and I consider the compensatory design solutions (discussed above) are reasonable.

11.5.20. Having regard to overall design approach to the units, the layout, orientation, and scale of the blocks, as well as to planning policy for densification of this urban area (specifically Fingal Development Plan objectives SS15 and SS16), to the need for higher density housing on zoned and serviced lands, and to the overall acceptability of the layout and design of the site which must deliver active and strong urban edges to Charlestown Place and St. Margaret's Road and improve pedestrian permeability, while respecting the existing character and form of McKelvey Avenue, I am of the opinion that the impact on the proposed apartments in terms of the submitted Daylight and Sunlight Assessment Report is acceptable and consistent with emerging trends for medium to high density development in urban areas. While there will be some impacts in terms of daylight to the proposed apartments with particular pinch points identified, on balance, the associated impacts and proposed compensatory design solutions are in my opinion acceptable and will not result in a significant negative impact on residential amenity of future occupants such as would warrant an amendment to the design or height. I have assessed potential impacts on neighbouring properties separately hereunder (I refer the Board to Section 11.6).

Sunlight in Proposed Outdoor Amenity Area

11.5.21. Section 6.3 of the submitted Daylight and Sunlight Assessment Report addresses sunlight to proposed open spaces within the development. Nine amenity areas are assessed, in addition to the proposed pedestrian boulevard and the creche open space. BRE guidance recommends that over 2 hours of sunlight is achieved over a minimum of 50% of existing amenity areas on the 21st March (spring equinox). Based on the assessment submitted and having regard to the referenced guidance (requiring a minimum of 50% of the amenity space to receive at least 2 hours of sunlight on the 21st March), I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under BRE guidance, with the exception of one roof garden area to Block 2, where 38.5% of the area receives sunlight. Given the marginal area to which the standard falls short and given the roof garden in question does not form the primary open space area for Block 2 (the primary area receiving in excess of the BRE standard), I consider the overall design which supports southern sunlight and overall compliance of the entire open space

area with BRE standards, that 2 hours of sunlight is achieved over a minimum of 50% of amenity areas, to be acceptable.

11.5.22. In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering compensatory design solutions provided and having regard to wider planning aims, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants, as per the Building Height and Apartment Guidelines.

Noise Assessment

11.5.23. I note an Assessment of Inward Traffic Noise Impacts has been submitted with the application and Chapter 9 of the submitted EIAR also addresses noise (I refer the Board to Section 13.10 hereunder also). I am satisfied with the details and mitigation measures contained therein. While submissions raise concerns in relation to construction and operational noise impacts particularly given existing noise levels from the airport, I am satisfied that the EIAR has adequately addressed the issue of noise both during construction and operational phases and I have no information before me that would suggest a particular issue around existing noise levels.

Conclusion

11.5.24. Overall, I consider the proposed development would provide an acceptable standard of amenity for the occupants of the proposed apartments.

11.6. Residential Amenity of Neighbouring Properties

11.6.1. A significant number of submissions raise concerns by neighbouring residents of McKelvey Avenue in relation to overlooking, loss of light, impact on privacy and amenity, overbearance, loss of outlook, decreased view of skyline, health and safety concerns, and noise pollution as a result of the proposed development.

11.6.2. I have examined the layout proposed and where potential impacts may arise with neighbouring properties, in particular on the adjacent properties on McKelvey

Avenue to the south, as well as assessment of potential impacts on apartment units to the north and McKelvey Celtic AFC to the east.

Overlooking, Impacts on Privacy and Overbearance

- 11.6.3. A number of submissions from residents on McKelvey Avenue raise concerns in relation to overlooking, impacts on privacy and overbearance. Dublin City Council in their submission note the four-storey nature of the development to the rear of nos. 54-60 could result in excessive overlooking from the windows of the southern elevation of Block 4, with properties no. 58 and 60 of particular note due to the shorter length of these rear gardens. Fingal County Council CE Report states that concern remains in relation to the four storey block to the rear of McKelvey Avenue and recommends a condition be applied to reduce the southeastern arm of Block 4 from four storeys to two storeys.
- 11.6.4. The block closest to McKelvey Avenue is that of Block 4. This block is designed as a perimeter block and at its closest point is 15m from the rear boundary of dwellings on McKelvey Avenue, with a distance of 28.5m/29m between the rear elevation of Block 4 and the rear elevations of the dwellings. Block 4 ranges in height from 5 storeys on its western and northern arm, to two storeys on the central southern arm and 4 storeys on its eastern arm, rising to 5 storeys on the northeastern arm. To the rear of the western arm is an industrial unit; to the rear of the two storey arm is 62-68 McKelvey Avenue; and to the rear of the 4 storey arm is 58 and 60 McKelvey Avenue, with a portion of the 4 storey arm also to the rear of 56 McKelvey Avenue, which I note has a greater garden depth of approx. 26m (nos 58-68 have rear garden depths of 13m).
- 11.6.5. In terms of overlooking and loss of privacy, the proposed development will undoubtedly increase the perception of overlooking and have an impact on the outlook for existing dwellings, replacing as it does an existing greenfield site, however, I consider the staggered height and design/layout of the block has ensured that significant overlooking or loss of privacy will not occur to such an extent as to warrant a refusal of permission or alteration of design. Direct overlooking is mitigated in the design through the positioning of the two storey element relative to the rear of the two storey houses and while a section of the four storey element is to the rear of two of the closer dwellings (no. 58 and 60), I consider the intervening distance of

28.5m/29m in this urban environment, where a certain degree of overlooking is to be anticipated, is acceptable and will not give rise to significant overlooking or loss of privacy. I also note with regard to the four storey element that the bedroom windows are positioned on this southern elevation and the windows to the living rooms on the four storey elevation are offset so that they are not directly to the rear of no. 58 but to the rear of no. 56, which has a longer back garden. Given the design of the block with its staggered height, positioning of windows, omission of balconies directly to the rear of the existing dwellings, and given the orientation of the proposed development to the north of the houses, I consider that matters of overlooking and loss of privacy have been adequately addressed in the design and layout of the scheme. I do not consider the roof terrace to the northeast arm of the building, given its location, distance from the boundary, and landscaped design, will impact in terms of overlooking or loss of privacy.

11.6.6. With regard to outlook/overbearance, the proposed Block will have a visual impact from the McKelvey Avenue and from the rear gardens on McKelvey Avenue which adjoin the site (I refer the Board to the Landscape and Visual Impact Verified Views 17 and 17a). However, this site is zoned and development at this location which will affect the current outlook is to be expected. I note there is no right in planning law to a view and there are no protected views at this location. The protection of existing residential amenities requires balancing against the requirements for sustainable consolidated urban infill development in appropriate locations. Having regard to all of the information before me, including the layout, design and separation distances involved, I consider that while there will impacts on the dwellings fronting McKelvey Avenue in terms of outlook and the development will be visible when viewed from along this street, the impacts are not in my opinion so great as to have a significant negative impact on the residential amenity of the neighbouring dwellings or on the wider area such as would warrant an amendment to the layout or a refusal.

11.6.7. Concerns have been raised in submissions in relation to potential for anti-social behaviour with the positioning of the Open Space No. 1 to the rear of dwellings 42-56 McKelvey Avenue. As part of the landscape strategy, the existing hedgeline to the rear boundaries of 42-68 McKelvey Avenue is to be retained. I further note the proposed landscaping plan includes additional planting along this location on the application site as well as a boundary 1.2 metres high and the space will be

supervised by the eastern side of Block 4. I do not consider the design of the space will result in increased anti-social behaviour for residents on McKelvey Avenue.

Daylight – Vertical Sky Component

11.6.8. The BRE guidance on daylight is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. The BRE Guidelines state that if the VSC is:

- At least 27%, then conventional window design will usually give reasonable results;
- Between 15% and 27%, then special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight;
- Between 5% and 15%, then it is very difficult to provide adequate daylight unless very large windows are used;
- Less than 5%, then it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed.

11.6.9. Paragraph 2.2.7 of the BRE guidance notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE guidance recommends that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time.

11.6.10. The neighbouring properties that were assessed are the apartments in Charlestown Place and Charlestown Place Tower to the north of the site and 42-68 McKelvey Avenue to the south of the site. I am satisfied that all relevant properties have been considered and that the development is sufficiently distant from properties on the eastern side of St. Margaret's Road to conclude that they would not be unduly affected by the proposed development. Daylight access before and after construction was measured using Vertical Sky Component (VSC). Section 6 of the submitted assessment indicates the results of the assessment in table form and indicates level of BRE compliance and rates the effect of the proposed development. South facing

windows on the first to tenth floor of Charlestown Tower were assessed (the ground level being commercial units) and all windows assessed are in compliance with the BRE Guideline recommended, with all windows meeting the recommended minimum VSC of 27%, with proposed values ranging from 34.44% to 38.61%. With regard to Charlestown Place, the south facing windows on floor one to five were assessed and all were deemed to be BRE compliant, achieving over 27% VSC in 10 out of the 15 windows assessed, with the 5 falling below 27% shown to be less than 0.8 times the baseline value. With regard to the rear north facing windows at 42-56 and 58-68 McKelvey Avenue, all windows assessed were BRE compliant, with the majority of windows above the recommended minimum of 27% VSC, with proposed values ranging from 28% to 35%. One window on each of the dwellings of no. 60, 64, and 68 fell below the 27% but marginally in each case, and by less than 0.8 times the baseline value.

Sunlight - APSH

11.6.11. BRE Guidance states that if a main window facing within 90° of due south and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sun-lighting of the existing dwelling may be adversely affected. The BRE Guidelines state that in order for a proposed development to have a noticeable effect on the APSH of an existing window, the value needs to drop below the stated target value of 25% (annual) / 5% (winter) and be less than 0.8 times the baseline value and it has to have a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours. The apartments in Charlestown Place and Charlestown Place Tower were assessed in terms of APSH. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed, therefore, the APSH of windows that do not have an orientation within 90° of due south, ie the rear north-facing elevations of those properties on McKelvey Avenue, have not been assessed.

11.6.12. The results show that all windows assessed in Charlestown Place and Charlestown Place Tower were all BRE compliant, achieving far greater than the target value of 25% and 5%.

11.6.13. I am satisfied that impacts of the development on sunlight levels to surrounding properties will be minor, and are on balance, acceptable.

Overshadowing

11.6.14. With regard to overshadowing, as per the submitted assessment, overshadowing is highly unlikely to occur in areas that are due south of the proposed development. Given the path of the sun and the orientation of the site to the north of McKelvey Avenue, I do not consider the proposed development will have a significant negative impact on properties on McKelvey Avenue in terms of overshadowing given their location south of the site. To this end, as all of the dwellings potentially effected at McKelvey Avenue are south of the proposed development, it can be confirmed that the new development is situated outside of “90° of due south” of these houses. The proposed development is therefore not considered to cause an obstruction to sunlight, and as such no further tests in respect of overshadowing to these properties is required. I am satisfied that in respect of overshadowing, given the orientation of these dwellings (south of the proposed development) there is no potential adverse impact as a result of overshadowing.

McKelvey Celtic FC

11.6.15. Concerns are raised by the McKelvey Celtic FC in relation to overshadowing, overbearing impacts and overlooking of the pitch. This is an evolving urban area and I do not consider the location of an apartment block to the north would appear overly out of character or be overbearing on users of the pitch, nor do I consider child welfare issues arise. Given the distance of Block 4 from the pitch and the positioning of Block 1 north of the pitch, having regard to the path of the sun, there will be no significant overshadowing or loss of light to the pitch. In terms of relocation of the entrance to the pitch, I note the CE Report has raised no issues in relation to traffic hazards arising. I note the addition of the pedestrian path from St. Margaret’s Road will be a positive addition in terms of pedestrian accessibility and safety.

Traffic and Construction Impacts

11.6.16. Concerns raised in submissions in relation to the impact of traffic, noise and dust during construction on existing residential amenities is discussed in section 11.8 hereunder.

Conclusion

11.6.17. As demonstrated in the daylight-sunlight analysis and having regard to the specific design and layout of the blocks, including separation distances, stepped height, and massing of the proposal, I do not consider overall the proposal will result in significant negative impacts on the existing residential amenity of properties in the area. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property, however, having regard to the assessment set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

11.7. Social Infrastructure Assessment

11.7.1. A significant number of submissions raise concerns in relation to the poor level of social and community facilities in the area and the lack of schools. It is suggested in a number of submissions that a greater mix of community facilities should be included in the proposed development, with the current proposal lacking in community gain.

11.7.2. The applicant has submitted a Social Infrastructure Audit which covers a study area of 3km.

11.7.3. This is an evolving area with a large number of industrial estates with housing that has grown up around them, therefore, as illustrated on the Map 3 of the Social Infrastructure Audit the dispersal of community services and facilities, aside from those provided for at the shopping centre adjoining the site, are focused more to the south of the study area. While I note a large number of submissions highlight a lack of community uses proposed on the site, FCC in their submission has stated that the council is currently examining the provision of a community centre on lands within the Council's ownership, which would add to the range of local services in the area. I note the presence of the football club adjoining the site which will be an asset for future occupants, in addition to the proximity of the site to larger parks namely Lanesborough Park and also Poppintree Park. I consider the scale of development at the Charlestown Centre and mall in terms of retail and services, in addition to the units proposed within this development, and recent development of the adjoining cineplex/leisureplex will provide for an appropriate level of facilities for the future

population. I acknowledge that the proposed development will place additional demand on services as well as the road network as raised in submissions, however, a refusal of permission on this site would not alleviate existing congestion or perceived lack of services in the locality. The site is a serviced zoned site within the Dublin Metropolitan Area and is identified as a consolidation area within Dublin City and Suburbs. It has access to a number of high frequency public bus services and can connect directly into water supply, foul drainage and the streets/roads network. Having regard to the foregoing, I consider the proposal can be facilitated and that a refusal would not be warranted on the basis of inadequate social infrastructure.

11.7.4. With regard to schools, the Social Infrastructure Audit states 23 primary schools and 6 post-primary schools were identified within the Study Area and based on current population and forecasted additional growth, no need for additional school places within the vicinity of the subject site has been identified, with no new large-scale projects planned to be delivered within the Study Area under the School Building Programme. It is stated that the only identified need in the Study Area is for the refurbishment of Gaelscoil Uí Earcáin in Finglas. The submitted study does not include an analysis of capacity within the existing schools, however, I note the development plan has not identified a need for a school on this site and it is within the remit of the Department of Education and Skills, in conjunction with Fingal County Council to identify and time the delivery of schools.

11.7.5. In terms of childcare facilities, in accordance with the 2001 Childcare Guidelines, the proposed development (excluding the proposed 234no. 1 bed units) comprises 356 no. 2 and 3 bed units which would give rise to a requirement for c.96 no. childcare spaces based on the standards from the 2001 Childcare Guidelines. The proposed development provides a purpose built, ground floor creche of 542 sq.m. within Block 1, which is stated can accommodate 96 children. The external play area is proposed at first floor level. The proposed childcare facility is acceptable and will cater for demand generated by the proposed development.

11.8. Traffic, Transportation and Access

11.8.1. The application has been accompanied by a Traffic and Transport Assessment, which includes an Outline Mobility Management Plan, and an Outline Construction Management Plan, and also a DMURS Statement of Consistency. In relation to

Transport, the relevant section of the EIAR is Chapter 11 (I refer the Board to Section 13.13 hereunder also). The existing road network, public transport routes and pedestrian/cycle facilities were assessed and the existing traffic pattern was established.

11.8.2. The Transportation Assessment (TA) Report submitted examined the impact of the proposed development on the local road network. As outlined in Section 13.13 of this report, I note there are deficiencies within the traffic model presented, as raised in the FCC Transportation Planning Section Report which highlights concerns that CSO data in relation to car ownership has been misapplied to the model and raises concerns that the model is inconsistent with TII's Traffic and Transport Guidelines. I note the applicant has responded to this concern in their TTA stating the CSO figures were not used to estimate trip generation but were used to identify car ownership rates to determine parking standards. Notwithstanding these concerns, I note the conclusion of the Transportation Planning Report that public transport developments in relation to Metro Link (I assume reference to Luas Cross City Finglas was intended in this instance, as per the NTA submission) will likely supersede any potential junction improvements required by this development. While not the PA for this area, I note a submission from DCC and their Transportation Planning Division raises no objection to the proposal. I further note that the current climate in relation to Covid has resulted in a less than ideal level of baseline data and while the level of background traffic growth is raised as an issue, it is clear that traffic growth will occur with development in this evolving urban area. However, such growth cannot be solved alone by junction improvements. Public transport growth and developments designed to promote walking and cycling and which minimise car usage will be required to support sustainable development. I am satisfied that the junctions alongside the upgrades proposed on Charlestown Place, in addition to the junction upgrade at Charlestown Place/St. Margaret's (permitted under a separate permission and to be undertaken in 2021) will continue to function with the development in place and the Traffic and Transport Assessment overall confirms that the proposed development and associated trip generation can be accommodated within the existing roads and public transport network. Concerns raised about entry/exit from McKelvey Avenue are noted and while it may take time for cars to exit/enter the street given traffic volumes at particular times of any given day, I do not

consider this development, having regard to traffic figures submitted and the level of parking provided, will add such additional traffic that a significant increase in delay in exiting/entering this street will arise. Mitigation measures related to minimisation of car parking spaces, promotion of car clubs, and enhanced cycling/walking facilities and infrastructure connecting into the existing infrastructure, will operate together to support the development of a sustainable community which prioritises walking/cycling/use of public transport while accommodating limited use of the private car.

11.8.3. I note NTA concerns in relation to the wider pedestrian environment, however, I am satisfied that the pedestrian connectivity and changes to Charlestown Place proposed combined with the largely car free zones at surface level within the scheme, will promote walking and cycling ahead of use of the car. I recognise deficiencies exist in the wider network with the NTA highlighting incoherent cycle infrastructure in the environs and in particular at the nearby junctions. The NTA note pedestrian crossings are staggered in places, with slip lanes and turning pockets contributing to a generally sub-optimal walking environment in the general area. I note that some of these issues are addressed in the application at certain points, with improvements proposed to Charlestown Place, to the right turning junction, to the re-alignment of the pedestrian environment within Charlestown Place to connect to the application site and from the site onto St. Margaret's Road. I note there is a cycle path along the R104 however this stops at McKelvey Avenue and stops north where the R122 crosses over the M50. There are cycle paths in the wider area however sections are missing. There are plans under the Greater Dublin Network Area Plan to improve these connections. There is certainly scope for the planning authority to undertake improvements in the wider area within its scope and remit. However, I consider on balance the improvements proposed as part of this scheme are reasonable to support increased levels of pedestrian movements and cycling at this town centre site generated by the proposed development and there is an existing adjoining footpath and cycle network which the development is connecting into and improving. I have no reason to believe the planning authority will not undertake improvements in the wider pedestrian environment within its remit and implement further improvements by way of the Greater Dublin Area Cycle Network

Plan (Route N05 Ballycoolin /Charlestown/ Santry and Route 3B Charlestown/Phibsborough).

- 11.8.4. The NTA in their submission to this application state they are pursuing two major projects in this area – Luas Finglas and BusConnects. It is stated they are in the process of developing a preferred route for the extension of the Luas Green Line to Finglas, with the intention at present to provide for a terminus for the scheme at Charlestown close to the development site. The NTA states that the proposed development does not affect the delivery of the Luas Finglas project, which is a concern which has been raised in submissions.
- 11.8.5. With regard to BusConnects, the NTA states that Charlestown is to become a significant hub for radial and orbital services of a high frequency. As such, the number of bus stops and layover spaces adjacent to, and in the environs of, the proposed development will need to be increased. The NTA notes the implementation of BusConnects will require additional stops at these locations to those being maintained at Charlestown Place and it is essential that the ability for buses to turnaround and to reach layover to the north of Charlestown Place is maintained. Measures to protect buses from undue delay may also be required to be incorporated into the design. The NTA recommends that the applicant should be required by way of condition to agree with the NTA a layout for Charlestown Place. This can be addressed by way of condition should the Board be minded to grant permission.
- 11.8.6. I note a large number of submissions raise concerns in relation to the ability of the bus network to support this future population given pressures to support the existing and concerns that these planned infrastructure developments of the Luas Cross City Finglas Extension and BusConnects are developments which are not yet on the ground or have a timeline associated with them. While the proposed development will place additional demand on the road and bus network, a refusal of permission on this site would not alleviate existing congestion in the locality. The site is a serviced zoned site within the Dublin Metropolitan Area, which has access to a number of high frequency public bus services with six services adjoining/proximate to the site, with three of these having a peak time frequency of 8/10/12 minutes. The development plan has determined that the application site is an appropriate place for residential and mixed-use development and has zoned it accordingly. I am satisfied

that the level of public transport currently available is of a scale that can support this future population and additional planned services in this area by way of BusConnects, as well as longer term plans for Luas Finglas and Metro Link, will be further supported by providing for a critical mass of population at this location, in accordance with national policy for consolidation and higher densities in the metropolitan area.

Car and Bicycle Parking

- 11.8.7. Two single level basement car parks are proposed, one under Blocks 1 and 2, and one under Block 4. 515 car parking spaces are proposed, of which 464 spaces are for residential use and 51 are for commercial and Go Car use. 1068 cycle parking spaces are proposed.
- 11.8.8. In relation to parking standards, the Design Standards for New Apartment 2020, under section 4.21 in relation to intermediate urban locations states that 'in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard'. While the Planning Authority raises concerns in relation to the level of parking provided, I am satisfied given the site's location, existing public transport and connections to Dublin City Centre, as well as proximity to Charlestown Centre and range of employers in the area, that the level of parking as proposed is acceptable. I note a Mobility Management Plan has been submitted and there are provisions for car sharing. Additional planned improvements to the public transport network of the Luas Green Line Finglas Extension and BusConnects projects, in addition to cycle infrastructure connecting from the site into the wider area with plans for further upgrades, will all further contribute to the accessibility of this site.
- 11.8.9. I note concerns raised in relation to the removal of parking serving Charlestown shopping centre with this development and resultant impact on level of shopping for parking. It is stated in the submitted documentation that the permitted temporary car park was constructed in 2007 as a temporary measure for customer convenience and as the planning and construction programmes for the Charlestown Centre Phase 1 and Phase 2 below podium works were being finalised. There is adequate parking

provided in the existing basement under Charlestown Centre to serve that development. The Planning Authority raises no concerns in this regard.

11.8.10. Concerns in submissions have been raised in relation to potential conflict and hazards arising from trucks serving existing industrial estates in the area. I note this area comprises a large mix of industrial/commercial type units as well as traditional housing and apartments. As is the case elsewhere in the city, this area comprises a mix of uses. I note the site does not form part of or nor is it directly adjacent to an existing industrial area. The site is of sufficient scale and distance from any neighbouring industrial uses as to not give rise to additional traffic hazard above what normally exists on the surrounding streets. I have no concerns in relation to traffic management or potential conflict with trucks in this area.

11.8.11. The Apartment Guidelines note that high quality accessible cycle storage is of importance in new developments. In particular, planning authorities must ensure that new development proposals in central urban and public transport accessible locations and which otherwise feature appropriate reductions in car parking provision are at the same time comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors. In terms of quantum of spaces required the guidelines state 'a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc.' I note 986 spaces are required for the apartments and 295 for visitors, equating to a total of 1281. The development proposes 1068 spaces, which is a shortfall of 213 spaces. The applicant proposes 886 residential spaces and 169 visitor spaces. I consider the scale of cycle parking proposed adequate, subject to a condition as recommended in the CE Report requiring details in relation to cycle parking access and security of spaces.

Construction Traffic

11.8.12. I note the concerns raised in a number of submissions regarding construction stage impacts, including noise, dust, impact on health and traffic generation. All

construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. The applicant has addressed construction traffic and associated impacts in the submitted EIAR (Chapter 11 and Section 13.10 hereunder) and has submitted a Traffic and Transport Assessment, which includes an outline construction traffic management plan, with mitigation measures also addressed in Chapter 11 of the submitted EIAR. Mitigation in terms of noise and vibration, and air and climate are also set out. The implementation of these mitigation measures will further reduce any adverse amenity impacts during the construction phase.

Conclusion – Traffic

11.8.13. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing city road/street network and I do not consider the proposal would give rise to an unacceptable level of traffic or undue adverse traffic impacts, subject to conditions in relation to construction management, traffic management, and implementation of a mobility management plan.

11.9. Water Services, including Flood Risk Assessment

Water and Wastewater

11.9.1. It is proposed to connect the development to the public water and foul sewer network in the area.

11.9.2. There is an existing trunk 850mm watermain beneath the carriageway at Charlestown Place. As part of the Charlestown Centre development a new 250mm watermain was constructed either side of this road and connected into the truck main with the consent of Dublin City Council. The proposed development will be connected into the southern 250mm watermain on Charlestown Place.

11.9.3. The 750mm Meakstown Foul Sewer (also known as the North Fringe Foul Sewer) lies adjacent to the northern boundary of the site and beneath Charlestown Place. It is proposed to discharge into this foul sewer at a point to the west of the junction of Charlestown Place and St. Margaret's Road.

11.9.4. Irish Water in the submitted report on this application raises no concerns, has issued a Statement of Design Acceptance, and recommends a condition in relation to a connection agreement.

Surface Water Management

11.9.5. The central landscaped public open space is the site of an attenuation tank permitted under Reg. Ref. F19A/0146. This attenuation tank was designed to accommodate surface water outflow from the Phase 1 Charlestown Shopping Centre, the adjoining Phase 2 apartment scheme and the current application site, in addition to surrounding roads. It is stated in the applicant's submission that the attenuation tank permitted under Reg. Ref. F19A/0146 is under construction and scheduled for completion in 2021.

11.9.6. Surface water from the application site will be intercepted and redirected to this attenuation tank. In terms of surface water management, a SUDS strategy is proposed, with four source control measures comprising a green roof system, a podium retention system, an open swale (at southern edge of site), and permeable paving. It is stated that soil infiltration testing at the site (11/11/08), concluded that the soil is unsuitable for the design of soakaways. It is proposed to construct a new 225mm diameter surface water network flowing towards the underground attenuation tank located at the South Eastern site boundary. The attenuated surface water runoff from the underground attenuation tank will outfall into the existing surface water network flowing eastwards towards the surface water culvert located under St Margaret's Road, with the culvert outfall into the Finglas River.

11.9.7. I note a concern raised in submissions that the drainage system serving McKelvey Avenue is causing problems on the application site due to an issue related to existing pipes. Should the surface water management system be implemented as envisaged, I see no evidence that flooding would arise.

Flood Risk

11.9.8. A Site-Specific Flood Risk Assessment (FRA) was submitted as part of the application. The site lies within Flood Zone C in terms of coastal and fluvial flooding. The FRA indicates that the risk of flooding (coastal, fluvial, pluvial and ground water flooding) across the site is low. Residential development is an acceptable land use

within Flood Zone C (Table 3.2 Flood Risk Management Guidelines refers). I am satisfied that the requirements of the Flood Risk Management Guidelines are met.

11.10. Material Contravention – Number of Apartments per Lift/Stair Core

- 11.10.1. The applicant has submitted a document titled 'Material Contravention Statement', which has been advertised in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The applicant considers the development may materially contravene the development plan with regard to number of apartments per floor per stair lift core. It is noted that Objective DMS23 of the development plan states 'Permit up to 8 apartments per floor per individual stair/lift core within apartment schemes'. It is proposed up to 9 apartments per floor will be served by a stair/lift core.
- 11.10.2. It is open to the Board to consider Section 37(2)(b) of the Act of 2000 (as amended) which states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:
- (i) the proposed development is of strategic or national importance,
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,
- or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,
- or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.
- 11.10.3. With regard to S.37(2)(b)(i), the development in question is proposed on the last remaining undeveloped and underutilised lands at the Charlestown Town and District Centre and would result in the consolidation of this urban environment, which is within the Dublin City and Suburbs Consolidation Area of the Metropolitan Area.

The development would result in the delivery of a significant volume of housing (590 units in total) in line with 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, and would consolidate and support services, including past and planned investment in public transport, at this Town and District Centre.

11.10.4. With regard to S.37(2)(b)(ii), there are no conflicting objectives within the Fingal Development Plan 2017-2023, insofar as the proposed development is concerned.

11.10.5. With regard to S.37(2)(b)(iii), I consider the proposed development would be a material contravention of Objective DMS23 of the Fingal Development Plan 2017-2023, which applies to the site. In accordance with section 37(2)(b) (iii) of the Planning and Development Act 2000, as amended, having regard to SPPR 6 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020, the proposed number of apartments complies with SPPR6 of the 2020 guidelines as a maximum of 12 apartments per floor per core may be provided in apartment schemes. Compliance with SPPR6 is mandatory under section 28(1C) of the planning act. Permission should not be refused, therefore, on the basis of a material contravention of Objective DMS23 of the development plan which requires a lesser number of apartments per floor per core. A grant of permission in contravention of that provision would be justified under section 37(2)(b)(iii) of the planning act to give effect to guidelines on Design Standards for New Apartments, issued by the Minister in 2020.

11.11. Other Matters

Habitats and Wildlife

11.11.1. An Ecological Impact Assessment was submitted with the application, dated 24th March 2020. Field surveys were undertaken. A number of third party submissions raise concerns in relation to loss of wildlife and biodiversity.

11.11.2. The EclA outlines a range of protection measures, including sediment control practices through good site management during construction and retention of the existing southern tree line, which is also a townland boundary. A bat survey was undertaken in July 2020 which found no bat roosting with one single bat (soprano

pipistrelle) noted foraging on the site. This bat species is not part of/linked to any European site. While no bats were observed emerging from any of the on-site trees, it is noted that the treeline along the southern boundary of the site have bat roosting potential. This treeline is to be retained as part of the development. There was no evidence of badgers using the site. A breeding/nesting bird survey was undertaken where the blue tit and house sparrow were observed, which are of low conservation value. No birds were observed in the open grassland. I am generally satisfied with the mitigation measures proposed, none of which I note are related to the protection or management of European sites. The issue of appropriate assessment is dealt with in Section 12 below. Overall, I consider the timing of survey work and approach to the ecological impact assessment reasonable and I note the landscaping proposals, including retention of the southern treeline, will mitigate the impact of any biodiversity loss. I am generally satisfied in this regard.

Sufficient Legal Interest

11.11.3. I note it is contended by two residents of McKelvey Avenue that the applicant is proposing development on their property which they state is owned by way of adverse legal possession. In terms of legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest for the purposes of the planning application and decision. This is a civil matter to be resolved between the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

Glint and Glare Study

11.11.4. A Solar Photovoltaic Glint and Glare Study Aviation Specific was carried out. I note the conclusion of the report and no issues have been raised by the DAA or IAA in this regard.

Specific Assessments

11.11.5. I note in relation to 'specific assessments' which the Building Height Guidelines indicates may be required, the applicant has not submitted a wind microclimate report and states in the Statement of Consistency submitted that 'The modulated and varying heights of the proposed development ensure that there is limited potential for microclimate effects. The existing environment is characterised as an open expansive site. The proposed development will create a more human

scale and sheltered environment for pedestrians and cyclists with resulting positive micro-climate effects'. I note the positioning of the balconies on the buildings, which are either recessed or focussed on the internal courtyards with no protruding balconies onto Charlestown Place or St. Margaret's Road. I also note the location of the roof top terraces at fourth floor level (fifth storey) of Blocks 1 and 2 and on the fifth floor level (sixth storey) of Block 4, which given the height and landscaping plans proposed is unlikely to give rise to discomfort to users. I have no information before me to believe the proposed development would give rise to wind tunnelling effects in the area, given the heights of the structures proposed. The planning authority has not raised concerns in this regard.

11.11.6. In terms of other specific assessment potentially required as referenced in the guidelines, I note a bat survey was undertaken, in addition to an assessment of telecommunications infrastructure, in relation to which it is stated that the height, scale and orientation of the proposed development is such that it will not impact on existing telecommunication channels or microware links. Existing telecommunications infrastructure located at the Charlestown Centre are located within the existing 12 storey tower, which is higher than the buildings heights proposed. I note in relation to birds that, as per the habitat survey no birds of significance were observed utilising the site, and the site is far from significant bird roosting areas. On this basis I am satisfied that no further assessment in relation to potential bird strikes is required. Having regard to the information submitted with the application, I am satisfied that I have sufficient information before me to assess this application.

Public Art

11.11.7. Objective DMS05 of the development plan states 'Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sqm to provide for a piece of public art to be agreed with the Council'. A condition in this regard is recommended, should the Board be minded to grant permission.

Consultation

11.11.8. I note that some of the submissions received state that there was inadequate/lack of meaningful consultation with them by the applicants. Consultation

has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016 and full availability of documentation has been facilitated both in hardcopies at the offices of the Board and online via the dedicated website for the application for the required time period, as specified by the legislation.

SHD Process

11.11.9. Some observers have raised concerns with regards the strategic housing development process. An Bord Pleanála are obliged to implement the provisions of planning law, including the SHD process laid down in the Planning and Development (Housing) and Residential Tenancies Act 2016. They are also obliged under section 9 of that Act to have regard to, inter alia, the policies of the Government and the Minister, including guidelines issued to planning authorities and to the provisions of Development Plans.

12.0 Appropriate Assessment Screening

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

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

12.2. Background on the Application

12.2.1. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application, dated May 2021.

12.2.2. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential impacts during construction and operation of the development are considered as well as in-combination impacts of neighbouring developments.

12.2.3. The screening is supported by associated reports submitted with the application, including Engineering Planning Report, Outline Construction Management Plan, Construction and Demolition Waste and By-Product Management Plan and Site Specific Flood Risk Assessment Report.

12.2.4. The applicants AA Screening Report concluded that:

No significant effects will arise from this project to Natura 2000 sites in Dublin Bay: the North Dublin Bay SAC, South Dublin Bay SAC, the North Bull Island SPA or the South Dublin Bay and River Tolka Estuary SPA.

In carrying out this AA screening, mitigation measures have not been taken into account. Standard best practice construction measures which could have the effect of mitigating any effects on any European Sites have similarly not been taken into account.

On the basis of the screening exercise carried out above, it can be concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.3. **Screening for Appropriate Assessment - Test of likely significant effects**

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).

12.3.2. 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.

Brief Description of the Development

12.3.3. The development site/overview of the receiving environment is described in the screening report. I refer the Board also to section 3 of this report above. The site is 3.4ha site within the urban area of Charlestown, Co. Dublin. The proposed development is for 590 no. apartment units in 4 no. 2 to 10 storey blocks (Blocks 1 to 4). Permission is also sought for non-residential uses at ground floor level within

Blocks 1 and 2 comprising: 2 no. retail/ commercial units totalling 350sqm, 4 no. office units (224sqm), a health/medical centre (526sqm) and a creche (542sqm) with first floor outdoor play area. The site comprises at present a partial greenfield area and part of the site is covered in tarmacdam and is in operation as a car park serving Charlestown Shopping Centre on the other side of the road to the site.

- 12.3.4. It is noted that the environmental baseline conditions are discussed, as relevant to the assessment of ecological impacts where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. hydrogeological and hydrological data), which informs whether the development will result in significant impacts on any European Site.
- 12.3.5. The Screening report and ecological assessment note that there are no species growing on the lands which are listed as alien invasive species under Schedule 3 of S.I. 477 of 2011. There are no habitats which are examples of those listed in Annex I of the Habitats Directive and no evidence that species listed in Annex II of that Directive are present. The habitat is overall of low biodiversity value with one treeline of high local value to be retained along the southern boundary. The habitats on the lands are not considered suitable for feeding or roosting birds associated with coastal SPAs. A bat survey was undertaken, where one bat was encountered, a soprano pipistrelle. It is stated in the ecological impact assessment that some trees along the southern boundary may be suitable for foraging bats. There are no water courses, bodies of open water or habitats which could be considered wetlands. There is one drainage ditch on the site along the southern boundary, which drains water to Bachelor's stream, which outfalls to the River Tolka, which in turn outfalls to Dublin Bay.
- 12.3.6. Surface water is proposed to discharge to the existing surface water network. As part of the surface water management system, it is proposed to install SUDS measures, including green roofs, permeable paving and a swale. This will provide stormwater attenuation and slow runoff rates of water. It is noted that the SUDS proposals are standard measures in all new developments and are not included here to avoid or reduce an impact to a European site.
- 12.3.7. Wastewater is proposed to discharge to the Ringsend wastewater treatment plant via the existing public foul sewer network.

12.3.8. Water will be supplied via the public mains and is sourced from the Poulaphuca Reservoir.

12.3.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/fragmentation
- Habitat disturbance /species disturbance
- Construction related - uncontrolled surface water/silt/ construction related pollution

European Sites

12.3.10. The development site is not located in or immediately adjacent to a European site. A summary of the European Sites, that occur within a possible zone of influence of the proposed development are set out with the screening report.

12.3.11. It is noted that the drainage ditch provides a direct hydrological link to Dublin Bay and an indirect link is identified via Ringsend Wastewater Treatment Plant, which discharges under licence to Dublin Bay. 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.

12.3.12. The European sites associated with Dublin Bay are South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA), as well as other sites further afield. The Poulaphuca Reservoir SPA (site code: 4063), from which drinking water supply for this development may originate, is also considered to fall within the zone of influence of this project. I am satisfied having regard to the nature and scale of the proposed development, its separation distance from other European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that no Appropriate Assessment issues arise in relation to the other European sites in the wider area, as identified in table 9 of the submitted Screening Report, and it is considered that the

proposed development would not be likely to have a significant effect individually or in combination with other plans or projects thereon. The scope of the applicant's Screening Report is therefore considered to be reasonable.

12.3.13. The following European sites are deemed to be within the zone of influence of the site and their relevant qualifying interests and separation distances from the application site are listed:

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location and Source-Pathway-Receptor Link
<p>South Dublin Bay SAC [000210]</p> <p>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.</p> <p>QIs/SCI: 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].</p>	<p>c.7km to the south east</p> <p>Surface arising during the site clearance, construction and operation of the proposed development could contain pollutants. Such contaminated water could potentially discharge to a local surface water drainage ditch and from there eventually outfall to the sea.</p>
<p>North Dublin Bay SAC [000206]</p> <p>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.</p> <p>QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330] / Mediterranean salt meadows</p>	<p>c.9km to the south east</p> <p>Surface arising during the site clearance, construction and operation of the proposed development could contain pollutants. Such contaminated water could potentially discharge to a local surface water drainage ditch and from there eventually outfall to the sea.</p>

<p>(<i>Juncetalia maritimi</i>) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / <i>Petalophyllum ralfsii</i> (Petalwort) [1395].</p>	
<p>North Bull Island SPA [004006]</p> <p>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.</p> <p>QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / <i>Salicornia</i> and other annuals colonising mud and sand [1310] / Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330] / Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / <i>Petalophyllum ralfsii</i> (Petalwort) [1395].</p>	<p>c.9km to the south east</p> <p>Surface arising during the site clearance, construction and operation of the proposed development could contain pollutants. Such contaminated water could potentially discharge to a local surface water drainage ditch and from there eventually outfall to the sea.</p>
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p> <p>CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>QIs/SCI: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] / Oystercatcher</p>	<p>c.7km to the south east</p> <p>Surface arising during the site clearance, construction and operation of the proposed development could contain pollutants. Such contaminated water could potentially discharge to a local surface water drainage ditch and from there eventually outfall to the sea.</p>

<p>(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].</p>	
<p>Poulaphouca Reservoir SPA [4063]</p> <p>CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>QIs/SCI: Greylag Goose; Lesser Black-Headed Gull.</p>	<p>c. 27km from the site</p>

Factors Likely to Give Rise to Potential Impacts

12.3.14. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. The nearest European sites are those in Dublin Bay. With regard to direct impacts of habitat loss and disturbance, the application site is not located adjacent or within a European site and the site is approx. 7km from the boundary of the European sites in Dublin Bay. Given the scale of works involved, the nature of the existing urbanised environment and distances involved, habitat loss/fragmentation or disturbance is unlikely to occur. With regard to indirect impacts, the area around the proposed development is sub-urban in style and the lands themselves are not suitable for ex-situ feeding or roosting of wetland birds.

12.3.15. In relation to potential for construction phase pollution, the existing surface water ditch outfalls to Bachelor's Stream approx. 600m south of the site, which outfalls to the River Tolka approx. 2km downstream, and ultimately to Dublin Bay which is a total distance of approx. 7km from the site. Given the distance to Dublin Bay and likelihood of settlement of any sediment entering the watercourse over that distance and given that estuaries are not sensitive to sediment input should sediment enter the system, I consider that any level of sediment runoff is unlikely to have any significant effect on sensitive habitats or species in the eventuality that surface water enters the estuaries. While a SUDS strategy is proposed for the development, I note this is not required or related to the protection of any European Sites. The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance. There is no evidence that abstraction of water at Poulaphouca is resulting in negative effects to any European site or impact on birds in the SPA. No significant effects will arise from this source.

12.3.16. With regard to the treatment of foul water at Ringsend Wastewater Treatment Plant, while the proposed units will generate an increase in treatment required, I consider this to be an insignificant increase given the overall scale of the facility, which would not alter the effluent released from the WwTP to such an extent as to result in likely significant effects on the SACs and SPAs connected hydrologically with Ringsend WwTP. Furthermore, upgrade works are currently on-going at Ringsend WwTP to increase the capacity of the facility from 1.6 million PE to 2.4 million PE. 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 GDSDS 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.

12.3.17. There are no further effects identified which can act in combination with other similar developments, to result in significant effects to the SACs or SPAs in question.

Conclusion

12.3.18. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, 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 European site 00210 (South Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA), 4006 (North Bull Island SPA), 0206 (the North Dublin Bay SAC) and 4063 (Poulaphouca Reservoir SPA) or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

13.0 Environmental Impact Assessment

13.1.1. The development provides for 590 apartments in 4 no. 2 to 10 storey blocks (Blocks 1 to 4) comprising of 234 no. 1 bed apartments, 316 no. 2 bed apartments and 40 no. 3 bed apartments. A creche (542sq.m), 2 no. retail / commercial units (350sq.m), 4 no. office suites (224sq.m) and a health/ medical centre (526sq.m) are also proposed.

13.1.2. The site is located within the administrative area of Fingal County Council and is within the urban area of Charlestown Town Centre.

13.1.3. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies, appellant, observers and applicant has been set out at Section

7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Material Assets – Traffic and Transport
- Landscape and Visual Impact
- Biodiversity
- Surface water drainage

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

13.1.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

13.1.5. The EIAR is laid out in one volume and includes a non-technical summary. Chapter 1 sets out the introduction and methodology including a list of the competent experts involved in preparing the EIAR. Chapter 1 also includes an examination of the risks of major accidents. Chapter 2 provides a description of the planning policy context. Chapter 3 provides a description of the proposed development including construction and operational aspects and alternatives proposed. Chapter 15 significant effects, interactions and mitigation measures. Appendix 1A comprises a table of mitigation and monitoring measures.

13.1.6. With respect to Article 3(2), section 1.5 of the EIAR refers to Major Accidents and/or Disasters. I note that the site is not in an area prone to natural disasters. During the construction phase, the risk of accidents and/ or disasters arise from the potential for construction accidents. These are addressed under Health and Safety Regulations and other codes and therefore not within the scope of this EIA. Mitigation measures are nonetheless proposed that will prevent and/ or mitigate potential significant

effects as set out in the Outline Construction Management Plan (OCMP). During the operational phase the risk of fire related accidents is similarly addressed through the Building Regulations (Fire Safety) and is therefore addressed through primary mitigation in the design process. Residual risks of fire and road traffic accidents will be managed by emergency services as per their standard procedures. The risk of flooding and vulnerability of the project is addressed in Chapter 7 and the Site Specific Flood Risk Assessment (SSFRA), where it is noted that the site is within Flood Zone C. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself.

13.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.

13.1.8. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

13.2. **Alternatives**

13.2.1. Chapter 3 of the EIAR addresses the alternatives considered.

13.2.2. The applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout of the scheme. A summary of the alternatives is provided. Having regard to the zoning of the site TC, town and district centre, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

13.3. **Consultations**

13.3.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

13.4. Assessment of the Likely Significant Direct and Indirect Effects

13.4.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- Land, soil, water, air and climate
- Material assets, cultural heritage and the landscape;
- The interaction between the factors referred to in points (a) to (d).

13.4.2. With respect to cumulative impacts it is stated that they have been considered for each environmental topic. The results of the cumulative impact assessment for each environmental topic are presented within each chapter.

13.4.3. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

13.5. Population and Human Health

13.5.1. Chapter 4 of the EIAR addresses population and human health. Impacts on population assessed include impacts on the social and economic environment arising from the development such as impacts on land use, population change and demographic trends, employment and economic activity, amenity, and health and safety.

13.5.2. The methodology for assessment is described as well as the receiving environment. The most sensitive population receptors are identified as McKelvey Estate, McKelvey Celtic AFC, Century Business Park, Meakstown, Charlestown Shopping Centre, Charlestown Commercial (northwest and adjoining M50), Charlestown Place South (undeveloped lands to the west), and R135 Fingal Road Light Industrial.

13.5.3. Potential construction phase and operational phase impacts are considered.

Construction phase impacts are considered in terms of the change of land use to a construction site, inward flow of population with workers during construction, increase in employment during the construction phase, and impact on amenity due to disruption, nuisance and inconvenience to the local community. Human health impacts are cross-referenced and addressed in other chapters in the EIAR related to Air and Climate, Noise and Vibration, Material Assets: Transportation and Landscape. Operational phase impacts include delivery of a new residential community with supporting land uses which will change the character of the existing landscape, with population increase estimated to be in excess of 1400 persons, which will contribute to a critical mass of population to support other businesses/public transport/employment. In terms of the economy, there will be additional employment in the retail/ commercial, creche and community units and indirectly in relation to support services to the new residential population. The main impacts on human health, associated with air quality, noise and traffic and transportation, are considered elsewhere in chapter 8, 9, and 11 of the EIAR. Potential cumulative impacts are considered in terms of increased population in the area and other developments in the wider area, with the overall cumulative impact considered to be long term and positive in terms of population and human health.

13.5.4. Mitigation measures during the construction and operational phase are detailed.

Construction impacts will be mitigated through the implementation of a Contractor's Construction and Environmental Management Plan (CEMP) and will be subject to Regulations and the relevant Health and Safety codes. During the operational phase, potential impacts have been considered in the design including effects on daylight/sunlight and overshadowing, noise, air quality, waste management, and landscaping and open space proposals, and mitigation on population and human health have been addressed in other chapters relating to air quality, noise, traffic and transportation and landscape.

13.5.5. With respect to Residual Impacts, while the construction phase will impact on the existing community, the impacts are overall short term, with best practice construction methods to be put in place. No significant negative residual impacts are identified for the operational phase.

13.5.6. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

13.6. **Biodiversity**

13.6.1. Chapter 5 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. Flora and fauna surveys were undertaken on 29th May 2020 and a dedicated bat survey was undertaken in July 2020.

13.6.2. The site is not located within or adjacent to a European site. The following sites are located within the same hydrological catchment: South Dublin Bay SAC and South Dublin Bay and Tolka Estuary SPA. The subject lands are within the catchment of the River Tolka, which drains a particularly urbanised watershed. The Bachelor's Stream is a short tributary of the Tolka found close to the development site but is extensively culverted along the Fingal Road until its confluence with the Tolka. The Tolka in this location is 'poor' status for the 2013-2018 reporting period. The Tolka Estuary is 'moderate'. Impacts to European Sites in Dublin Bay are not predicted to occur due to the separation distance between the site and these areas. An Appropriate Assessment Screening Report has been submitted with the application, which is assessed under section 12 above.

13.6.3. In terms of the receiving environment, habitats and flora are identified. It is stated that no species of protected flora or fauna were observed on the site. A large portion of the site is an artificial surface (existing carpark) and the remaining is an ungrazed dry meadow. The southern boundary is characterised by a mature treeline along which is a drainage ditch which flows to the south where it outfalls to the Bachelor's Stream, a tributary of the River Tolka. This treeline is a remnant of a townland boundary and so is likely to be of considerable age and is classified as 'higher significance'. The other habitats are considered of low or negligible biodiversity value. There are no plant species listed as alien invasive as per SI 477 of 2011.

- 13.6.4. No evidence of badger activity was recorded. A bird survey was undertaken. Bird species on site are limited to common species with nesting birds found along the treeline only. No evidence of bat roosting was found. A single bat (soprano pipistrelle) was noted foraging on site along the southern field boundary and it is noted that several trees on the southern boundary have bat roosting potential. I note no works are proposed to these trees and tree protection measures are to be put in place.
- 13.6.5. An ecological evaluation was undertaken to identify the likely significant effects during the construction and operational phases. Potential construction phase impacts identified include remove of artificial surface and grassland habitats with treeline to be retained; mortality of species during site clearance; and pollution of water courses through ingress of silt, oils and other toxic substances with the drainage ditch on the site providing a direct pathway to the River Tolka. Potential operational phase impacts including pollution of water from foul wastewater arising from the development; pollution of water from surface water run-off; impact on bats; and impact on protected areas.
- 13.6.6. Mitigation measures are set out in section 5.7 of the EIAR. Construction mitigation measures proposed are considered appropriate in the context of protection of biodiversity and are not required for the protection of downstream designated sites. Mitigation measures include for the construction phase include provision for bunded areas on site to minimise risk of discharge of any pollutants from the site; provision of spill kits; silt traps; no refuelling on site; training of construction personnel; external lighting to take cognisance of potential of bats; and provision that all works involving removal of vegetation will be undertaken outside of the nesting season (1st March to 31st August). Operational phase mitigation measures include provision of lighting to take cognisance of bats in the southern tree line.
- 13.6.7. Cumulative impacts have been considered with regard to additional loading to Ringsend Wastewater Treatment Plan. No significant negative impacts are predicted to arise in this regard.

Conclusion – Biodiversity

- 13.6.8. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and

mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Land, Soil, Water, Air and Climate

13.7. Land and Soils

- 13.7.1. Chapter 6 of the EIAR addresses land and soils.
- 13.7.2. The topography of the proposed development site is generally flat, moderately sloping from the northwest to the southeast, from approx. 70m AOD to 67.50m AOD. Geology maps and soil maps are provided. Geotechnical investigations were undertaken from May to June 2020. 9 trial pits, 23 boreholes, 3 groundwater monitoring tests and 4 plate bearing tests were undertaken.
- 13.7.3. The soil is identified as Till derived from Limestones based on GSI mapping, with the trial pits excavated indicating firm brown gravelly clay overlying stiff to very stiff black/grey gravelly clay, with made ground in some locations. Bedrock was encountered at depths ranging from 4.1 to 7.6m
- 13.7.4. Soil sample tests indicated inert waste, with the exception of two trial pits, where elevated levels Dissolved Sulphate and Total dissolved solids and slightly elevated levels of Dissolved Selenium were detected.
- 13.7.5. The site is classified in the GSI database as Locally Important Aquifer- Bedrock which is Moderately Productive only in Local Zones. The aquifer vulnerability rating for the site is mapped by the GSI as high (H) for the entire site as the subsoils overlying the bedrock are likely to be >3m.
- 13.7.6. The following works are identified as having a potential impact on soils and geology: excavation for the basement, civil engineering siteworks, the piling works and the construction of the underground carpark. Deep excavation will have the greatest single impact on the soils and hydrogeology.
- 13.7.7. Mitigation measures are described for the construction phase and are to be implemented through the Outline Construction Management Plan and Site-Specific Construction & Demolition Waste and By-Product Management Plan. The measures included relate to recycling, reuse of excavated soil where possible, appropriate soil

classification prior to disposal, a dewatering strategy, and use of a secant pile wall to construct the basement. It is stated that negative impacts during construction phase will be short term only in duration and will not give rise to significant long term adverse impacts. During the operational phase, no significant adverse impacts on the soils and geology of the lands are envisaged, therefore the operational phase is considered to have a neutral effect in relation to land and soil. While at present the car park surface is largely impermeable, the proposed drainage system proposed will incorporate sustainable urban drainage methods and will include a bypass separator, which will minimise the hydrogeological impact. No significant long-term impacts on soil, geology or hydrogeology, resulting from the proposed development are predicted.

13.7.8. I have considered all of the written submissions made in relation to land and soils. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

13.8. **Water**

13.8.1. Water is addressed within chapter 7 of the EIAR. This chapter addresses existing watercourses, surface water drainage, wastewater and water supply, and the overall hydrogeology of the site.

13.8.2. The Bachelors Stream/Finglas River is located 600m south of the site and the Santry River is 2.6km to the east. I note as set out in the executive summary, that there is a drainage ditch accompanying the treeline along the southern boundary of the site which leads to the Bachelor's Stream, which is considered a highly modified tributary of the River Tolka. As per the PFRA flood extent mapping, the site is within Flood Zone C. There are existing surface water sewers, wastewater sewers and watermains adjoining the site.

13.8.3. The storm water drainage system, SuDs measures, watermain design and foul drainage proposals are described. Potential impacts to surface water and groundwater during construction and operational phases are detailed. Potential construction impacts including potential silt run off during construction works,

waterborne silt from dewatering activities, contaminants from cement/concrete, accidental spillage of oils / diesel, and pollutants entering surface water networks. Potential operational impacts include increase in surface water runoff, impact on public water supply system and increase in the quantity of wastewater discharged to the existing wastewater sewer. The impact following mitigation is considered to be not significant.

13.8.4. Construction mitigation measures are described and measures are to be implemented through an Outline Construction Management Plan and Site Specific Construction and Demolition Waste and By-Product Management Plan. Measures to minimise potential impact on the surrounding water and groundwater environs include provision of settlement tanks for silt removal, designated concrete mixing plant area on site, temporary bunded areas or chemstore containers to be used, and a contingency plan for pollution emergencies to be developed and regularly updated. It is stated that any necessary construction connections to the existing foul sewer network will be undertaken in agreement with and approval of Irish Water and appropriate procedures will be followed to ensure that there is no impact on the operation of the existing foul sewer system. Operational mitigation measures include testing of pipe systems, SUDS strategy which limits runoff to greenfield levels and provides for storage, and use of a class 1 bypass petrol interceptor on the storm line upstream of the outfall which will provide an additional level of protection. The impact following mitigation is considered to be not significant.

13.8.5. Key interactions with water and hydrogeology of land and soil are identified, as well as biodiversity and the relevant chapters cross referenced.

13.8.6. I have considered all of the written submissions made in relation to water. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water.

13.9. **Air Quality and Climate**

13.9.1. Air and quality climate is addressed in chapter 8 of the EIAR. The methodology and receiving environment are addressed.

- 13.9.2. A site-specific short-term monitoring study was conducted at the site during February 2020 measuring Nitrogen Dioxide and dust deposition at the site using passive diffusion tubes over a two-week period and dust deposition gauges for a 30 day period. The results were below the below their respective annual limit values and comparable with levels reported by the EPA.
- 13.9.3. The primary sources of potential impacts during construction and operational phases are assessed, including air quality issues arising from enabling and construction works, construction equipment, construction traffic, operational traffic movements, heating of new buildings, microclimate issues and car traffic. The principal local receptors that may be impacted by the development are existing McKelvey residential area to the south and the Charlestown Centre apartments located to the north of the site.
- 13.9.4. Mitigation measures during construction are detailed including a dust minimisation strategy, use of rubble chutes and receptor skips, avoidance of unnecessary vehicle movements, sweeping of hard surfaces and other best practice measures listed under AC-C1 of the submitted EIAR. The predicted construction phase residual impacts on air quality are predicted to be negative, not-significant and short-term. The operational phase is not anticipated to have an adverse impact on local ambient air quality of local human health, with mitigation built into the design, such as energy efficiency of building in compliance with building regulations, provision for electric vehicles, proximity to public transport and provision of open landscaped areas. Given the predicted level of traffic increase during operational phase, the impacts to local air quality are predicted to be negligible. The operational phase residual impacts on air quality are predicted to be imperceptible and long-term.
- 13.9.5. Cumulative impacts are considered, including construction of Charlestown centre to the north and potential for cumulative dust impacts. Having regard to mitigation measures proposed, no significant impacts are predicted to arise.
- 13.9.6. The interaction of air quality and human beings has been considered for both the construction and operational phases and no significant issues arise.
- 13.9.7. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed

mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

13.10. Noise and Vibration

- 13.10.1. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 13.10.2. Baseline noise monitoring was undertaken across the development and noise sensitive receptors were identified. The survey is stated to have been undertaken in December 2020, when covid restrictions were lifted and are considered representative of normal traffic movements and ambient noise. Four noise monitoring locations were chosen, at the western site boundary along Charlestown Place, northeastern site boundary along Charlestown Place, eastern site boundary opposite St. Margaret's Road, and southern site boundary adjacent McKelvey Avenue houses. Vibration surveys were also undertaken at these locations. The closest residential properties to the proposed development site are located at distances ranging from approximately 10- 50m. Construction noise calculations have been conducted both with and without noise mitigation at distances of 10 to 50m from the works for the Site Clearance and Main Construction phases, representing the nearest properties to the works.
- 13.10.3. Potential noise impacts during construction are described, including noise arising from site set up and clearance, and building construction works, including infrastructure and building construction and landscaping. During the operational phase, consideration is given to noise arising from road traffic and operation of the retail/commercial aspects of the development. Should the Luas cross city extension line proceed, the operation of the Luas may have a noise impact.
- 13.10.4. Mitigation measures are detailed for construction under section 9.6 of the submitted EIAR, and include measures such as appointment of an acoustic consultant for the duration of the works and to prepare a site specific Construction Phase Noise Management Plan. Other specific measures to be implemented include noise control at source and implementation of associated best practice guide, liaison with the public, and phasing of construction works. Vibration mitigation measures are also proposed. There will be a distance of 20m from third party buildings to

construction works. With regard to the noise sensitive receptors, it is stated that at distances of greater than 20m from the works site, provided all mitigation measures including site hoarding are implemented, the construction daytime noise limit of 70dB LAeq, 1hr can be complied with during site enabling, piling and general construction works. It is noted that the impact due to construction activities will be transient in nature. With regard to impact of construction noise on the nearest noise sensitive receptors, calculations are based on assumptions of a maximum 8 truck movements per hour based on a 10- hour working day, a maximum Sound Exposure Level of 77dBA for the trucks, and a minimum distance of 10m between the local road passing by each of the nearest noise sensitive receptors to the public road. A maximum predicted LAeq of 44 dBA LAeq period, is predicted. It is concluded that it is not expected that the predicted short-term increase in HGV movements associated with the construction phase of the development will have an adverse impact on the existing noise climate of the wider area or on local receptors.

13.10.5. At operational stage, it is considered that no noise mitigation measures with respect to the outward impact of the development are necessary. Outward noise impacts from increase volume of traffic were assessed as part of the Traffic Impact Assessment. The traffic flow increases associated with the fully completed development to the design year of 2036 are predicted to result in an increase of <1dB(A) over existing traffic noise levels, which will result in a long-term imperceptible impact. Inward noise mitigation measures of acoustic insulation are proposed to mitigate impact of existing road traffic. The impact from aircraft noise on the development has been assessed and it is concluded that it will be not significant and long-term. The potential for noise impact from the proposed Luas line as currently proposed has been assessed. The Luas line is indicated to be 50m from the closest façade and based on calculated noise levels, it is predicted that the impact will be slight and long term, should the Luas line proceed.

13.10.6. Interactions with human beings have been assessed and no significant issues arise.

13.10.7. I have considered all of the written submissions made in relation to noise, including from residents of McKelvey Avenue. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable

conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

Material Assets, Cultural Heritage and the Landscape

13.11. Material Assets – Built Services

13.11.1. Chapter 10 of the EIAR evaluates the impacts on material assets of built services required to facilitate the development, including the existing road network, surface water drainage, water supply, wastewater disposal, electricity, gas, and ICT. Chapter 7 of the EIAR is cross referenced in relation to water supply, wastewater and surface water infrastructure impacts and mitigation.

Built Environment Land

13.11.2. Potential impacts in terms of the existing road network are described for the construction and operational phase. Mitigation in terms of construction impacts of noise, traffic, dust etc will be controlled via a 2.4m high solid hoarding along the northern, eastern and southern boundaries, with additional mitigation cross referenced and set out in chapters 7, 8, 9, 11 and 14. Construction impacts relating to soil removal are cross referenced in chapter 6. Operational impacts on the existing built environment are considered positive and long term, with the proposed use in compliance with the zoning objective.

13.11.3. In terms of transport and infrastructure, the impact during construction is considered short term, with mitigation outlined in chapter 11. Operational impact in terms of traffic is addressed in chapter 11 and it is stated the junction upgrade on Charlestown Place/North Road can accommodate the development.

Water Supply, Wastewater and Surface Water

13.11.4. Connections into the water supply, wastewater and surface water network are available within the site boundary.

13.11.5. Potential impacts in terms of surface water drainage are described for the construction and operational phases. Full implications, including mitigation measures are referenced in chapter 7 of the EIAR. No adverse impact following the construction and operational phases are indicated.

Information and Communications Technology

13.11.6. No significant impacts are predicted and any residual impacts will be short term in nature. Construction impacts are short term in nature and no operational impacts are identified.

Conclusion on Material Assets – Built Services

13.11.7. Cumulative impacts have been considered and no significant impacts have been identified.

13.12. I have considered all of the written submissions made in relation to Material Assets. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

13.13. Material Assets - Traffic and Transport

13.13.1. Chapter 11 details the Traffic and Transport Assessment. The Board is also referred to Section 11.8 of my report above in respect of impacts on traffic and transport.

13.13.2. Baseline traffic data was gathered and junction surveys undertaken in 2016 at the junctions of R135 Finglas Road/Charlestown Place/temporary car park, and at R104 St. Margaret's Road/Charlestown Place. It is stated that it is acknowledged that the date of these surveys is not ideal, however, given implications of Covid, up to date surveys were not undertaken. Review of traffic data in the area between 2016 to 2019 is stated to have shown little change in AM and PM peaks. The applicant states that it was agreed with FCC that a scenario would be applied with a high growth rate added from 2016 to 2021, which has been incorporated. I acknowledge that traffic levels have not fully returned to the pre-covid normal, however, I am satisfied that the methodology adopted of examining any intervening data available and the precautionary approach of applying a high growth rate to existing data, to be reasonable in the circumstances. I note concerns raised in the CE Report in relation to the application of CSO data which has skewed the model. However, given the current climate and difficulties in ascertaining/verifying up to date data, I am overall satisfied with the methodology and approach adopted for this development at this moment in time.

- 13.13.3. Proposed improvements to public transport in the area are noted including the BusConnects strategy where Charlestown is to become a radial and orbital hub for high frequency services, the Luas Cross City Finglas Network which is proposed to have a terminus proximate to the site, and plans which form part of The Greater Dublin Area Cycle Network, as well as Metro Link (approx. 3km to the east). I acknowledge that the only permitted network improvement in the area is a junction upgrade of Charlestown Place/R135 which was permitted as part of a separate permission relating to Phase 2B of the Charlestown Centre development and which is stated will provide significant additional capacity to this junction. Bus services currently in existence are high frequency and adjoin the site or are within a short walking distance.
- 13.13.4. Two single level basement car parks are proposed, one under Blocks 1 and 2, and one under Block 4. The number of car parking spaces proposed is 515, of which 464 spaces are for residential use and 51 are for commercial and Go Car use. 1068 cycle parking spaces are proposed. Potential impacts are described both during construction and operational stages.
- 13.13.5. It is stated that the construction phase mitigation measures set out under MA-T-C1 will be implemented in accordance with a Construction Traffic Management Plan. Traffic generation through assessment of anticipated volumes of excavation of the site, indicates the level of traffic impact during the construction stage is of an acceptable level in the short term, with impacts short term slight negative due to construction traffic.
- 13.13.6. Traffic count data was collected in 2019 at the entry and exit points to the residential basement car parks of the Charlestown Centre to determine predicted trip generation and a parking survey of the existing residential basement car park was undertaken to update and verify localised trip rates. Impact on the national road network and at key junctions was assessed. The traffic projections for the development up to 2036 (Opening Year +15) predict that the maximum increase at any of the 3 modelled junctions (R135 / Charlestown Place junction, the Development / Charlestown Place junction and the St Margaret's Road / Charlestown Place junction) will be 9.4% AM Peak at the Development / Charlestown Place junction. The impact is considered to be overall satisfactory, except for the N2 northern approach arm and Charlestown Place approach arm

which are operating above saturation levels during the weekday morning peak during the 2036 with development scenario only. The evening peak is expected to generally operate within or around saturation levels. It is considered that there is sufficient capacity within the local road network and the impact overall is considered to be long term slight negative effect given the urban location where a degree of congestion is to be expected, as accepted in DMURS. I note that a high growth level has been applied to the 2016 figures and while consideration of the impact of remote working is not factored into the figures, it is further considered in the assessment as having the potential to increase from pre-covid 5% level of home working to post covid 10% level, with consequential impacts in reducing traffic. A number of mitigation measures are set out in relation to the operational phase, including a Mobility Management Plan to promote sustainable modes of transport, and footpaths and cycle paths are provided and to be improved along the northern and eastern boundary of the site. I note this is a town centre zoned site, where a degree of congestion is to be expected. I consider the mitigation measures to promote more walking/cycling over use of the car and the planned improvements to the bus network, in addition to the data presented, indicates that the local road network can accommodate the development.

13.13.7. Cumulative impacts are considered, and it is stated the effects of other permitted developments (other than that of Charlestown Shopping Centre which has been taken into account in the figures) will be negligible. Interactions of traffic have been considered, specifically in terms of air and climate, and noise and vibration. These are stated to be further addressed in chapters 8 and 9 respectively of the EIAR.

13.13.8. I have considered all of the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport.

13.14. Material Assets – Resource and Waste Management

13.14.1. Chapter 12 of the EIAR addresses resource and waste management.

- 13.14.2. Construction phase impacts include waste from stripping of hard surfaces, top and subsoils and the excavation of ground to basement levels and construction materials. It is stated that it is anticipated that c. 83,000 m³ of soil will be exported from the site to authorised waste facilities. Soils on the site were surveyed and classified as non-hazardous (February 2021). Where contaminated soils/materials are discovered or occur as a result of accidental spillages of oils or fuels during the construction phase, it is stated that these areas of ground will be isolated and tested in accordance with the 2002 Landfill Directive (2003/33/EC) for contamination, and pending the results of laboratory WAC testing, will be excavated and removed to an appropriately Charlestown Place SHD - EIAR 211 licenced waste facility.
- 13.14.3. Operational phase impacts are also considered, specifically the generation of mixed domestic and mixed commercial and retail waste streams.
- 13.14.4. Mitigation measures are proposed to minimise the effect of the proposed development on the environment, to promote efficient waste segregation and to reduce the quantity of waste requiring disposal. A site-specific Construction and Demolition Waste Management Plan (C&D WMP) has been prepared to deal with waste generation during the construction phase of the project and a separate Operational Waste Management Plan (OWMP) has been prepared for the operational phase of the development, to maximise the potential for recycling, recovery and re-use and to demonstrate how the development will operate in a sustainable manner in terms of waste management and contribute to the achievement of the Regions compliance with the waste reduction targets, as specified in The Eastern-Midlands Region Waste Management Plan 2015-2021.
- 13.14.5. It is stated that the impact of the construction phase of the development will not have an adverse impact on the receiving environment, existing material assets and local and regional waste management services. The development shall be designed to provide adequate domestic waste infrastructure and storage areas for common residential areas (apartments) and non-domestic spaces. Residual impacts have been considered and no significant issues have been identified.
- 13.14.6. I have considered all of the written submissions made in relation to Material Assets – Waste Management. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme,

the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on waste management.

13.15. Archaeological, Architectural and Cultural Heritage

13.15.1. Chapter 13 of the EIAR addresses Cultural Heritage, which includes areas of archaeology, architecture and cultural heritage features.

13.15.2. A desktop study and field inspection were carried out as part of the assessment of the site. There are no recorded monuments located within 500m of the proposed development, the nearest consists of an enclosure (DU014-102), c. 525m to the north-northwest in the townland of Baleskin (Figure 13.1). No previously unrecorded sites or areas of archaeological potential were noted during the field inspection. The townland boundary between Charlesland and Stockens to the immediate south is the only cultural heritage feature within the proposed development and its study area.

13.15.3. Potential impacts are discussed relating to the construction stage and operational stages. No impacts are identified during the operation phase. Mitigation measures are proposed for during the construction stage, where unknown archaeological remains may be discovered, with a recommendation that topsoil stripping be monitored.

13.15.4. In terms of cumulative impacts and residual impacts, none are identified.

13.15.5. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts on archaeology, architectural or cultural heritage.

13.16. Landscape

13.16.1. Chapter 14 of the EIAR addresses Landscape and is supported by appendix 14A which comprises verified photomontages. The EIAR notes the policy context and existing visual character. I refer the Board to Section 11.4 of my report also.

- 13.16.2. The predicted visual impact during the construction phase is examined and during the operational phase. It is stated that the predicted impact during construction on the townscape and views would be 'moderate to significant' and negative in the immediate vicinity of the site (with the greatest effect on McKelvey Avenue), reducing in significance with distance from the site. The effects would be temporary. Mitigation measures are proposed relating to hoarding and site management measures, in addition to protection (by fencing around the defined root protection areas) and monitoring of the hedgerow and trees along the southern boundary during construction.
- 13.16.3. With regard to the operational phase, townscape effects and visual effects are assessment. The site is considered with regard to the context of the receiving environment, which is an urban core designated a 'Town and District Centre' in the FCDP. Objectives SS15 and SS16 of the development plan apply. The most sensitive receptor is the residential area of McKelvey Avenue. Assessing the magnitude of change against townscape sensitivity, it is stated that the significance of the effects is predicted to be 'moderate' and the townscape effects are overall predicted to be positive; no negative effects have been identified. In terms of visual effects, 18 viewpoints have been selected and photomontages created. The most significant views identified are from/within Charlestown Shopping Centre, McKelvey Avenue and from nearest houses on McKelvey Avenue. Mitigation measures relate to the design of the development, specifically the stepping down of massing/ height towards the houses, and the existing/ proposed vegetation screen on both sides of the boundary. The townscape and visual effects on all receptors are predicted to be neutral or positive for the operational life of the development. No mitigation measures other than those built into the proposal are considered necessary.
- 13.16.4. No cumulative impacts are predicted. No mitigation measures are proposed. Interactions are identified in terms of biodiversity, air and climate, materials assets transportation and cultural heritage, with no significant negative impacts identified.
- 13.16.5. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that

the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

13.17. Significant Interactions

13.17.1. Chapter 15 of the EIAR comprises a matrix of significant interactions between each of the disciplines. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified. No other likely significant effects, as required to be identified and assessed under Schedule 6 2(e) of the Planning and Development Regulations 2001 (as amended) have been identified.

13.17.2. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

13.18. Reasoned Conclusion on the Significant Effects

13.18.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in the city.
- Traffic and Transport: Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area and any potential impact will be mitigated by way of design and implementation of the Car Parking and Mobility Management Strategy for the development.

- **Landscape and Visual Impacts:** There will be changed views from various locations given the change from a largely vacant brownfield/greenfield site to a high density residential development with mix of uses. The lands are zoned for town and district centre development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider evolving town centre area. The potential impact will be mitigated by the design, retention of specified trees and hedgerows along the southern boundary, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.
- **Biodiversity Impacts:** Potential impacts will be mitigated by a range of measures identified in the EIAR, including the retention of a treeline and hedgerow along the southern boundary. The proposed development would not have a significant negative impact on biodiversity.
- Potential impacts on water are proposed to be mitigated by construction management measures and implementation of SUDS measures.
- Potential impacts on air quality and climate will be mitigated by measures set out in the EIAR.
- Potential effects arising from noise and vibration during construction will be mitigated by appropriate management measures.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed, and I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

14.0 Recommendation

I recommend that permission is granted for the proposed development, subject to conditions.

15.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Fingal Development Plan 2017-2023,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,
- (l) the submissions and observations received, and
- (m) the report of the Chief Executive of Fingal County Council,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this 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 traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and

particulars, lodged with An Bord Pleanála on the 28th day of May 2021 by BMA Planning on behalf of Puddenhill Property Ltd.

Proposed Development comprises of the following:

The development will consist of a total of 55,523sq.m (gross floor area – GFA) in 4 blocks (Blocks 1 – 4) including:

- 590no. residential units comprising 234no. 1 bed units, 316no. 2 bed units and 40no. 3 bed units (totalling 53,881sq.m),
- non-residential floorspace including 2no. retail/ commercial units (350sq.m),
- 4no. offices suites (224sq.m),
- a health/ medical centre (526sq.m) and
- a creche (542sq.m) all totalling 1,642sq.m and all associated roads, streets, public spaces and services infrastructure.
- Blocks 1 and 2 are located above a shared single level basement with Block 4 also above above a single level basement.

The development is described as follows on a block by block basis:

- Block 1 (19,821sq.m GFA): 211no. apartment units (comprising 91no. 1 bed units, 106no. 2 bed units and 14no. 3 bed units) with ancillary accommodation, terraces, balconies and a roof garden in a 2 to 10 storey block. Block 1 ground floor level includes 1no. retail/ commercial unit (170sq.m), 3no. offices suites (160sq.m) and a creche (542sq.m) with external play area at ground and first floor levels all fronting onto a proposed pedestrian boulevard.
- Block 2 (18,209sq.m GFA): 184no. apartment units (comprising 57no. 1 bed units, 123no. 2 bed units and 4no. 3 bed units) with ancillary accommodation, terraces, balconies and a roof garden in a 2 to 7 storey block. Block 2 ground floor level includes 1no. retail/ commercial unit (180sq.m), 1no. office suite (64sq.m) and a health/ medical centre (526sq.m) all at ground floor level fronting onto the proposed pedestrian boulevard.

- Block 3 (8,021sq.m GFA): 95no. apartment units (comprising 54no. 1 bed units, 34no. 2 bed units and 7no. 3 bed units) with ancillary accommodation, terraces and balconies in an 8 storey block.

- Block 4 (9,472sq.m GFA): 100no. apartment units (comprising 32no. 1 bed units, 53no. 2 bed units and 15no. 3 bed units) with ancillary accommodation, terraces, balconies and a roof garden in a 2 to 6 storey block.

Vehicular access to serve the proposed development will be provided from Charlestown Place via the southern arm of the existing signalised junction which is proposed to be upgraded. The existing pedestrian access from the Charlestown Shopping Centre across Charlestown Place is proposed to be relocated to the west to align with the proposed internal pedestrian boulevard within the current application site and the existing internal street within the Charlestown Centre.

Permission is also sought for associated reconfiguration of the central median on Charlestown Place and the existing footpaths, cycle tracks, bus stops, taxi rank and hard and soft landscaping on the northern and southern edges of Charlestown Place and south of the Charlestown Shopping Centre.

Pedestrian and cycle access is also proposed via a new entrance on St. Margaret's Road.

Provision is also made for vehicular access from Charlestown Place through the site to McKelvey Celtic AFC playing pitch at the south eastern corner of the site including relocation of the existing gated entrance to McKelvey Celtic AFC playing pitch and a future access to the undeveloped greenfield site to the west.

Permission is also sought for 515no. car parking spaces and 1068no. cycle parking spaces at basement and surface levels, bin storage areas, ESB substations, plant and public lighting, boundary treatments, surface water drainage infrastructure including connection to the attenuation tank permitted by Reg. Ref. F19A/0146 and located beneath a proposed central landscaped public open space of c.4,737sq.m, a linear public open space of c.1,848sq.m and all associated site development and infrastructure works including demolition of the existing temporary surface car park.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the policies and objectives set out in the Fingal Development Plan 2017-2023,
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) the nature, scale and design of the proposed development,
- (i) the availability in the area of a wide range of social, community and transport infrastructure,
- (j) the pattern of existing and permitted development in the area,
- (k) the planning history within the area,

- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Fingal County Council, and
- (n) the report of the Inspector

Appropriate Assessment Screening

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

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from observers and prescribed bodies;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information received in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's Report. The Board is satisfied that the Inspector's report sets out how these various

environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction and Demolition Waste and By-Product Management Plan and Outline Construction Traffic Management Plan are the overarching general mitigation embedded in the project design and delivery for the construction stage. The main significant effects, both positive and negative are:

- A positive impact with regard to population and material assets due to the increase in housing stock that would be made available in the city.
- Traffic and Transport: Potential for moderate short term impacts in terms of construction traffic will be mitigated as part of a construction management plan. There will be no significant negative impact on traffic junctions in the immediate area and any potential impact will be mitigated by way of design and implementation of the Car Parking and Mobility Management Strategy for the development.
- Landscape and Visual Impacts: There will be changed views from various locations given the change from a largely vacant brownfield/greenfield site to a high density residential development with mix of uses. The lands are zoned for town and district centre development and the proposal is not expected to involve the introduction of new or uncharacteristic features into the local or wider landscape character setting, relative to what exists in the immediate and wider evolving town centre area. The potential impact will be mitigated by the

design, retention of specified trees and hedgerows along the southern boundary, and proposed landscaping. The proposed development would not have a significant negative impact on the landscape.

- Biodiversity Impacts: Potential impacts will be mitigated by a range of measures identified in the EIAR, including the retention of a treeline and hedgerow along the southern boundary. The proposed development would not have a significant negative impact on biodiversity.
- Potential impacts on water are proposed to be mitigated by construction management measures and implementation of SUDS measures.
- Potential impacts on air quality and climate will be mitigated by measures set out in the EIAR.
- Potential effects arising from noise and vibration during construction will be mitigated by appropriate management measures.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this 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 traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In relation to the number of apartments per floor per stair lift core, the Board considers the proposed development would be a material contravention of Objective DMS23 of the Fingal Development Plan 2017-2023, which applies to the site. In accordance with section 37(2)(b) (iii) of the Planning and Development Act 2000, as amended, having regard to SPPR 6 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, the proposed number of apartments per floor per core complies with SPPR6 of the 2020 guidelines as a maximum of 12 apartments per floor per core may be provided in

apartment schemes. Compliance with SPPR6 is mandatory under section 28(1C) of the planning act. Permission should not be refused, therefore, on the basis of a material contravention of Objective DMS23 of the development plan which requires a lesser number of apartments per floor per core. A grant of permission in contravention of that provision would therefore be justified under section 37(2)(b)(iii) of the planning act to give effect to guidelines on Design Standards for New Apartments, issued by the Minister in 2020.

17.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report, as set out in Appendix 1A of the EIAR ‘Table of Mitigation and Monitoring Measures’ shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Prior to commencement of any works on site, revised details shall be submitted with regard to the following:</p> <p>(a) Privacy screens between balconies of the apartments.</p>

	<p>(b) Privacy screens, including height and materials, to all of the roof terraces.</p> <p>(c) Higher level roof terraces shall provide weather proof seating areas/ facilities to allow continued use of these spaces by residents in adverse weather, details of which shall be submitted.</p> <p>(d) Full details of proposed green roof.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
4.	<p>Access to the roof terraces shall be restricted to residents of the scheme between the hours of 0700 and 2200 Monday to Sunday.</p> <p>Reason: In the interests of residential amenity.</p>
5.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes, including pavement finishes and bicycle stands, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>The two number retail/commercial units permitted shall be used solely for purposes in accordance with Class 1 and Class 2 of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended. The office</p>

	<p>suites permitted shall be used solely for purposes in accordance with Class 2 or 3 of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended. The health/medical centre permitted shall be used solely for purposes in accordance with Class 8(a) of Part 4, Schedule 2 of the Planning and Development Regulations 2001, as amended.</p> <p>Reason: In the interest of clarity.</p>
8.	<p>Details of all external shopfronts, lighting, signage and internal security shuttering shall be as submitted to, and agreed in writing with, the planning authority prior to-occupation of the commercial/retail units. No external security shutters shall be erected for any of the commercial premises unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of the amenities of the area/visual amenity.</p>
9.	<p>All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>No additional development shall take place above roof parapet level of the apartment buildings, other than that allowable under condition 2(c), including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
11.	<p>Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of</p>

	<p>development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
12.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
13.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
14.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development.</p> <p>(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.</p>
15.	<p>Details of the bicycle parking space location, layout, access to the basement, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement</p>

	<p>of the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
16.	<p>A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
17.	<p>The developer shall comply with all requirements of the planning authority in relation to all works to be carried out on the public road/footpath, and areas to be taken in charge. Provision for cyclists shall comply with latest National Cycle Manual and DMURS guidance.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
18.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning 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 have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p>

	<p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
19.	<p>Prior to the opening or occupation of the development, a Mobility Management Strategy including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns 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 and staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of Design Manual for Urban Roads and Streets Interim Advice Note – Covid Pandemic Response (May 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.</p>
20.	<p>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 the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>

21.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
22.	<p>The developer shall consult with the IAA and DAA in respect to developing a strategy in relation to the use of cranes during construction, and the IAA and DAA requirements in this regard shall be submitted to the planning authority for the written agreement prior to commencement of development.</p> <p>Reason: In the interest of aviation safety.</p>
23.	<p>Prior to the commencement of the development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection.</p> <p>Reason: In the interest of air navigation safety.</p>
24.	<p>A comprehensive boundary treatment and revised landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> (a) a detailed scheme for the planting of trees along the pedestrian boulevard; (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development; (c) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures; (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes; (e) details in relation to public furniture/benches and public artwork; (f) details in relation to layout and design of playground facilities and equipment;

	<p>(g) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of amenity, ecology and sustainable development.</p>
25.	<p>All recommended measures outlined in the submitted Arboriculture Assessment and Tree Protection Plan shall be implemented in full. Prior to the commencement of construction works on site, a meeting with the developer and Fingal County Council shall take place on site to ensure all tree protection measures have been carried out appropriately.</p> <p>Reason: In the interests of biodiversity and protection of trees.</p>
26.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site to be retained and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>

27.	<p>A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
28.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
29.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p>

	Reason: In the interests of public safety and residential amenity.
30.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
31.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
32.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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.</p>

33.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
34.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.</p>
35.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
36.	<p>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 Objective DMS57B of the Fingal Development Plan 2017-2023 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.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
37.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
--	---

Una O'Neill
Senior Planning Inspector

3rd September 2021