



An  
Bord  
Pleanála

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

## Inspector's Report ABP-310722-21

### Strategic Housing Development

Demolition of existing structures and construction of 191 no. apartments, childcare facility and associated site works.

### Location

Finglas Road, Dublin 11.  
([www.mervilleplaceshd.com](http://www.mervilleplaceshd.com))

### Planning Authority

Dublin City Council

### Applicant

Ruirside Developments Ltd.

### Prescribed Bodies

Irish Water; Inland Fisheries Ireland;  
Transport Infrastructure Ireland.

### Observer(s)

1. Ada Kiernan Doyle
2. Aisling Coughlan

3. Andy Canning
4. Barbara O'Reilly
5. Barry Gallagher
6. Brendan Naughton
7. Brian Murray
8. Briega MacOscar
9. Caroline Conroy
10. Edel Morrow
11. Eileen Ryan
12. Eoin McConville
13. Gabriel Cristian Mesinschi
14. Gavin Kearney
15. Glenhill Residents Association  
(Paula Doyle)
16. Glynn Anderson
17. Helena Kiernan Doyle
18. James Keegan
19. Justin Vogelsang and Ciara  
McCaffrey
20. Kathryn Fenlon
21. Keith Connolly
22. Leslie Shoemaker
23. Leslieann Scott and Others
24. Linda Sheridan
25. Lucy Leiriao
26. Marcia McGinley
27. Marian and Pat MacCaffrey
28. Mary Callaghan
29. Mary Hogan

30. Morven and Debbie Connolly
31. Neil Moxham
32. Niamh Delaney
33. Orla Kellegher
34. Patrena Slowey
35. Paul McAuliffe
36. Paul Murphy
37. Rita and Terence O'Neill
38. Roisin Shorthall
39. Seamus Rice and Patricia Rice
40. Sinead McConville
41. Susan Fennell
42. Teresa Nyland
43. Tom McFadden
44. Tracey Carroll
45. Una Duff

**Date of Site Inspection**

20<sup>th</sup> and 21<sup>st</sup> September 2021

**Inspector**

Una O'Neill

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site with an area of c. 1.25 ha is located approximately 5km north-west of Dublin City Centre on the Finglas Road and c. 800 metres south of Finglas Village. The site has an elongated shape with c. 270m of frontage onto the Finglas Road and c. 78m frontage onto the Glenhill Road. There is an existing vehicular access onto the Finglas Road to the south-east, which ties into an existing signalised junction serving Care Choice Nursing Home and Prospect Hill/The Griffith on the opposite side of the Finglas Road. The Finglas Road is a major artery from Finglas to the City Centre, connecting north into the N2/M50, and accommodates a bus lane with cycle paths and footpaths either side.
- 2.2. The site is vacant brownfield land, which comprises the remaining undeveloped section of the former Premier Dairies site. The site has been largely cleared of structures with the large hardstanding area remaining and two small single storey structures of a disused ESB building and a shed. There are trees and overgrown hedgerows/scrub along the boundaries of the site, with the western and northern boundaries to the Finglas Road and Glenhill estate comprising a high wall along its length. The northeastern boundary comprises a large, vegetated embankment.
- 2.3. The lands to the north and east of the site are occupied by low density 20th century housing. The north-eastern site boundary adjoins the back gardens of houses along Glenhill Road. Due to the topography of the site, these houses are at a significantly higher ground level than the Finglas Road, with a height difference of approx. 7m. Development to the immediate south of the site consists of an apartment scheme called Premier Square (four to seven storeys high). The closest apartment block in that development faces onto the south-eastern boundary of the site with the gable facing towards the existing site access road, in addition to two other blocks facing/bounding the existing site access road.

2.4. Further south along the Finglas Road, there are a number of large, higher density apartment developments, including the Prospect Hill development, which typically ranges in height from four to eight storeys. The lands opposite the site, on the western side of the Finglas Road, are occupied by retail warehouses that form part of the Clearwater Shopping Centre. The shopping centre has a single access from the Finglas Road at a signalised junction at the northern end of the application site, which also connects into Glenhill Road. There is also a nursing home, called Care Choice, (five storeys high) opposite the site on the other side of the Finglas Road.

### 3.0 Proposed Strategic Housing Development

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

- 191no. apartments accommodated in three no. buildings ranging in height from 5 to 6 storeys and one childcare facility.
- Vehicular access is provided from the existing signalised junction on Finglas Road opposite Care Choice Nursing Home, with the entrance carriageway at this existing access to be narrowed to 9m, together with ancillary adjustments to the pavement and the signal locations and provision of a pedestrian crossing at this entrance to the site.
- New boundary treatment on Finglas Road involving removal of existing wall and replacement with low wall with fence.
- Creation of 2no. new separate controlled pedestrian entrances to Finglas Road.
- Creation of a new gated entrance to the site from Glenhill Road to be used only for occasional ESB maintenance access.
- The proposals include telecommunications equipment consisting of a total of 6no. pole mounted radio link dishes (each dish c. 0.3m in diameter) all located on lift overrun at roof level of Block no. 2 and with an overall height of c. 1m above the lift overrun. The dishes are enclosed by a total of 3no. radio friendly GRP shrouds.
- Public open space of c. 1,335 sqm is provided, including a new platform lift and ancillary steps.

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

Table 1: Key Figures

<b>Site Area</b>	1.25 ha Gross /1.23 ha Net (excl DCC lands)
<b>No. of Residential Units</b>	191
<b>Density</b>	155 units per hectare net
<b>Plot Ratio</b>	1.3:1
<b>Site Coverage</b>	26%
<b>Height</b>	Block 1 – 6 storeys Block 2 – 6 storeys (plus telecommunication antennae on the roof) Block 3 – 5-6 storeys, with the upper floor set back off the south-western boundary resulting in two apartments less on this level
<b>Childcare Facility</b>	212 sqm to accommodate 26 children
<b>Public Open Space</b>	1,335 sqm (including a new platform lift and ancillary steps for access)
<b>Communal Open Space</b>	1190 sqm
<b>Part V</b>	20 units

Table 2: Unit Mix

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Apartments</b>	38	57	76	20	<b>191</b>
<b>As % of total</b>	20%	30%	40%	10%	100%

Table 3: Parking Provision

<b>Car Parking</b>	99 spaces (of which 59 are external spaces; 20 undercroft spaces; 4 car club spaces; 3 creche spaces; 8
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	visitor/creche drop off spaces; 5 accessible spaces)
<b>Bicycle Parking</b>	271 spaces (228 in bike stores; 40 external spaces; 3 cargo bike spaces)

3.3. 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 connections to the Irish Water network can be facilitated.

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

- Planning Report, including Statement of Consistency, and Response to An Bord Pleanála Opinion on Pre-Planning Submission,
- Material Contravention Statement
- EIAR Screening Report
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Regulation 299B Statement
- Community Infrastructure Audit
- Residential Amenity Impact Report
- Architectural Design Statement
- Schedules of Accommodation
- Housing Quality Assessment
- Landscape Report
- Landscape and Visual Impact Assessment (including Photomontages)



- Engineer's Services Report, including Statement of Consistency with the The Planning System and Flood Risk Management Guidelines
- Sub-terranean Structures Report
- Outline Construction Management Plan
- Transport Assessment and DMURS Statement of Consistency
- Mobility Management Plan
- Daylight / Sunlight Analysis
- Site Lighting Report
- Energy Analysis Report
- Wind Analysis and Pedestrian Comfort Report
- Inward Noise Assessment
- Construction & Demolition Waste Management Plan
- Operational Waste Management Plan
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Archaeological Impact Assessment
- Building Lifecycle Report
- Property Management Strategy Report
- Arboricultural Report and associated drawings
- Telecommunications Impact Assessment
- CGI & Verified Views

#### 4.0 Planning History

**ABP-305312-19** – SHD application for 245 no. apartments accommodated in 3 no. buildings ranging in height from 6 to 10 storeys, childcare facility (c.260 sqm) and associated outdoor play area, residential management and amenity area (c. 256 sqm), energy centre, plant room, meter room, 131 no. car parking at surface and

undercroft levels combined to cater for residential, childcare, visitor/drop-off and GoCar/Car Sharing (4 no. spaces).

Permission by ABP was Quashed by High Court (2020 No. 45 J.R.).

**PL29N.235697** (Reg. Ref. 4033/09) – Permission GRANTED for 90 apartments 5-6 storeys over basement (maximum height of 20.75 metres) and a crèche.

**Reg. Ref. 2329/07** – Permission REFUSED permission on 17th February 2009 for 90 apartments on the site in a building 6 storeys high. The reason for refusal related to the requirements of the Drainage Division not being met.

**PL29N. 227162** (Reg. Ref. 2931/07) – An Bord Pleanála REFUSED permission on 8th July 2008 for 175 apartments and a creche on the site in buildings 5 to 7 storeys high. The reason for refusal considered the development would be overbearing on residential properties to the east and would overlook those to the south, and so would injure the visual and residential amenities of the area.

**Reg. Ref. 4316/05** – Permission REFUSED for a mixed retail and residential scheme.

**PL29N.206989** (Reg. Ref. 1378/04) – ABP and the planning authority REFUSED permission for a supermarket on the site.

**Reg. Ref. 1039/04** – the planning authority GRANTED permission in 2004 for 60 apartments on the site.

## 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 8<sup>th</sup> December 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 constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-

308110-20) and that the following specific information should be submitted with any application for permission:

1. Drawings and detailed specifications that show works on and in the public realm, specifically upgrades to junctions and footpaths. In addition, drawings should show, if known, the alignment and requirements for any future public transport improvements along the Finglas Road (BusConnects). This may require further engagement with the local authority and any other agencies responsible for delivery of same.
2. Cross sections that detail public realm, landscaping and apartment block interfaces at various locations, but specifically where levels change and where space is limited. Locations for analysis should include, but are not limited to; along the Finglas Road and the interface between block 3 and the landscaped margin with Glenhill Road to the north west. The applicant is urged to consult the Design Manual for Urban Roads and Streets, with particular reference to streetscape, the pedestrian and cyclist environment and carriageway conditions.
3. Daylight/Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in all private and shared open space, and in public areas within the development. Where daylight and sunlight results are below optimal, compensatory measures such as larger units, increased floor to ceiling heights and maximised window volumes should all be considered. The analysis should also consider potential overshadowing impacts on all areas of proposed open space within the scheme, adjoining residential areas and other sensitive receptors. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties. Drawings that detail dual aspect ratios should be clearly laid out and accompanied by a detailed design rationale report.
4. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture where proposed and indicates which areas are to be accessible to the public, if any.

5. Given the location and availability of public transport, a rationale for the proposed car parking provision should be prepared, to include details of proposed car parking management and car share schemes.
6. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.
7. Surface water drainage proposals to address issues raised in the report of the Engineering Department – Drainage Division of Dublin City Council dated 01 October 2020, with specific reference to a surface water sewer that runs through the site and details with regard to its diversion.
8. A report that specifically addresses the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. A building lifecycle report for apartment buildings in accordance with section 6.13 of the 2018 Apartment Design Guidelines is also required.
9. A housing quality assessment which provides details regarding the proposed apartments set out in the schedule of accommodation, as well as the calculations and tables required to demonstrate the compliance of those details with the various requirements of the 2018 Guidelines on Design Standards for New Apartments including its specific planning policy requirements.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

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 specific information raised in the Opinion.
- 5.2.2. 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 Dublin City Development Plan 2016-2022. The following points are noted:
- The proposed development is consistent with the NPF promotion of more compact urban regeneration of high-quality urban design and architecture, delivering increased residential density at an underutilised brownfield site, in a built up mixed use area, located within proximity of high frequency public transport connecting it with Dublin City Centre and other strategic settlements and employment zones within the Dublin Metropolitan Area.
  - The proposed development is strategically located within the existing built footprint of Dublin's Metropolitan Area, is within the M50 and is proximate to Dublin City Centre.
  - The proposed development is consistent with the RSES and DMASP. The RSES objectives support the development of infill and brownfield sites (such as the subject site). They promote the consolidation of Dublin City & Suburbs through sustainable and intense urban form. It is therefore it is considered to the Board that the proposed development, situated on a brownfield site in the 'City Centre within the M50' corridor is compliant with the policies and objectives of the RSES.
  - The proposed development is consistent with these Ministerial Guidelines which promote increased residential density, for sustainable use of finite land resources and investment in strategic infrastructure, through various mechanisms including

development location, unit mix (particularly addressing needs of smaller 1-4 person households), apartment design and building height.

- The proposed development is consistent with the core strategy, Z1 land use zoning, and residential development policies of the Dublin City Development Plan (save for dwelling mix). The scheme is representative of high-quality urban design led architectural regeneration of an underutilised brownfield site.

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

5.4.1. The application documentation includes a report titled Material Contravention Statement, which relates to issues of building height, dwelling mix, and site coverage, as set out in the Dublin City Development Plan 2016-2022. The submitted report is summarised as follows:

- Section 16.7.2 of the current Development Plan identifies building heights for the city and identifies a building height cap of 16m for development in this outer city location.
- Specific Planning Policy Requirement, SPPR 3A of the Building Height Guidelines provides that where a proposed development satisfies the development management criteria contained in section 3.2 of the Building Height Guidelines, the planning authority and An Bord Pleanála may grant planning permission for the proposed development, notwithstanding that it breaches the height policies contained in a development plan.
- Section 16.10.1 of the Development Plan sets out the requirements in relation to the mix of dwellings provided as part of new apartment developments, which are as follows: "A maximum of 25-30% one-bedroom units"; "A minimum of 15% three- or more bedroom unit. Specific Planning Policy Requirement in relation to dwelling mix requirements (SPPR 1) of the Design Standards for New Apartments states "Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms...".
- Section 16.6 of the Development Plan sets out indicative site coverage standards for developments. Site coverage is the percentage of the site covered by building structures, excluding public roads and footpaths. For Z1 zoned sites (such as the

application site), an indicative range of 45% - 60% is the relevant standard. The application site has a site coverage of approx. 25%. There is no clear guidance in the Development Plan as to how the indicative standards should be applied in the case of sites (such as the application site) which are constrained in terms of the area of the site that can feasibly be covered by residential development. The indicative site coverage standards are understood in this context to serve more as a tool to help guide development, rather than strict parameters to be adhered to.

- In accordance with Section 37(2)(b), the proposed development is considered of strategic and national importance; there are conflicting standards in the development plan in relation to site coverage as no guidance is provided for sites with a lower value than that indicated; justified in the context of S38 guidance and RSES, which were adopted post the current Dublin City Development Plan 2016-2022; building height is justified in terms of NPF and Obj. 13, as well as SPPR 1 and SPPR3 within the Building Height Guidelines.

5.4.2. 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 3(b):** Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints.
- **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)



- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- 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)
- Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, 1996 (issued by the Dept. of Environment, Housing & Local Government).

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

**RPO 5.4:** Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘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 MASP identifies Strategic Development Corridors, including:

City Centre within the M50 (Multi modal) - The ongoing regeneration of Dublin Docklands and Poolbeg, coupled with the redevelopment of older social housing (former PPPs), industrial and underutilised lands, support the consolidation of Dublin City. 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.

### 6.3. Local Planning Policy

#### **Dublin City Development Plan 2016-2022**

Zoning: Z1 'to protect, provide and improve residential amenities'.

#### Chapter 4 - Shape and Structure of the City:

SC13: 'To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities'.

SC14: 'To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces'. SC16: 'To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA)'.

SC17: 'To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the river Liffey and

quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance’.

SC25: ‘To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city’s built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate’.

SC26: ‘To promote and facilitate innovation in architectural design to produce contemporary buildings which contribute to the city’s acknowledged culture of enterprise and innovation, and which mitigates and is resilient to, the impacts of climate change.’

SI29: ‘To encourage and facilitate telecommunications infrastructure in appropriate locations throughout the city

SI30: To support and facilitate the delivery of a high-capacity ICT infrastructure, broadband networks, and digital broadcasting in the city.

Objective SIO30: ‘To avoid a proliferation of communications masts and antennae and facilitate the potential for future mast sharing and co-location’.

#### Chapter 5 – Quality Housing

Policy QH1: To have regard to the DECLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007); ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying Urban Design Manual: A Best Practice Guide (2009).

Policy QH5: To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to

developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

Policy QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Policy QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Policy QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

Policy QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

#### Chapter 9 Sustainable Environmental Infrastructure

Objective SIO30: To avoid a proliferation of communications masts and antennae and facilitate the potential for future mast sharing and co-location.

Objective SIO31: To support the emerging Smart Dublin Framework which will allow greater flexibility for the city to work with universities entrepreneurs and companies, to co-innovate, test and deploy new urban solutions.

#### Chapter 12 Sustainable Communities and Neighbourhoods

Policy QH12: To promote more sustainable development through energy end use efficiency, increasing the use of renewable energy and improved energy

performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with guiding principles and development standards set out in the development plan.

### Chapter 16 Development Standards

Section 16.3.4 Public Open Space – All Development: There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1: ‘In new residential developments, 10% of the site area shall be reserved as public open space...A landscaping plan will be required for all developments, identifying all public, communal (semi-private) and private open space. The design and quality of public open space is particularly important in higher density areas...

Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective’.

Section 16.5 - For Z1 zoned lands, the CDP identifies an indicative plot ratio standard of 0.5-2.0.

Section 16.6 - For Z1 zoned lands, the CDP identifies an indicative site coverage standard of 45-60%.

Section 16.7.2, ‘Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development’ - For ‘Outer City’ locations, buildings heights of up to 16m will be allowed, subject to detailed assessment.

Section 16.10.1 and 16.10.3: Residential Quality Standards – Apartments and Houses.

Section 16.33 - Sets out guidance relating to Telecommunications Apparatus in terms of siting, design, visual amenity and health and safety and in relation to the sharing of installations.

#### Section 16.33.1 Siting, Design and Visual Amenity

- Telecommunications antennae and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings, may also be acceptable, subject to visual amenity considerations.

- In terms of the design of free-standing masts, masts and antennae should be designed for the specific location. In assessing proposals for telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined. These factors will be carefully considered when assessing proposals in a designated conservation area, open space amenity area, historic park, or in the vicinity of protected buildings, special views or prospects, monuments or sites of archaeological importance. The location of antennae or support structures within any of these areas or in proximity to protected structures, archaeological sites and other monuments should be avoided.

## 7.0 Observer Submissions

7.1. In total 45 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:

### Principle of Development

- The proposal would contravene the Judgement of Certiorari granted by Judge McDonald Judicial Review (JR 45) in the case of O'Neill V An Bord Pleanala.
- SPPR 1 and SPPR 3(a) do not apply to the proposed development.
- Material contravention of the Dublin City Development Plan 2016-2022 with regard to height, dwelling mix and site coverage.

### Density, Design and Layout

- No justification of high rise development at this location. No high capacity public transport, no LUAS or trains, no major employment area, no university.
- The height and scale of the development would seriously detract from the balance of the emerging architectural coherence along Finglas Road.
- The height of the proposal is not in keeping with the neighbouring developments on Finglas Road.
- The height of the development should take account of the slope of the site.
- The height of the Premier Square development is matched to the ridgeline of the housing to the rear, which should be the same for this development and Glenhill Road houses.
- The height, bulk and scale of the proposed development will be visually overbearing when viewed from dwellings on Glenhill Road.
- Concerns relating to the gate on the north western boundary of the site to allow for ESB access.
- Concerns relating to the location of the bin and bicycle store.
- Concerns relating to the proposed development not being child friendly.
- Concerns relating to the location of the crèche (in proximity to Finglas Road).
- Unit mix does not cater for families.

### Impact on Residential Amenity

- The proposed development would not encourage family living but would encourage transient living.
- Residents of Premier Square will be adversely impacted by the location of the proposed blocks and vehicular entrance. Level difference has not been taken into account or shown on the drawings. The lack of transition between the proposed development and Premier Square is stark and the proposal will be overbearing.
- The corner units on Block 1 have triple aspect. The proposed blocks will negatively impact the visual amenity of these units in terms of loss of privacy, visual impact, loss of light, and noise disturbance.

- Applicant's description of windows opposing the block in Premier Square being only bedroom windows is not reflective of the active uses of the rooms for work/study. Proposal will have a negative impact in terms of overlooking, and loss of privacy.
- Location of bin store/bicycle adjoining boundary with Premier Square is not identified on statutory notices and is contrary to planning regulations.
- Construction and operation of the proposed apartments and crèche will further impact the residents of Block 7.
- Development of the site could have an impact on the foundations of Block 7 within Premier Square.
- The attractive features of the south/west facing gardens of the dwellings on Glenhill Road will be lost forever whereby there is a sense of wide open space.
- Noise pollution and noise disturbance already a problem in Premier Square, which this development will add to.
- Noise during construction for people working from home due to covid.
- Potential for anti-social behaviour in the raised landscaped area.
- Potential for additional waste and illegal dumping.
- The proposed playground located to the rear of the dwellings on Glenhill Road is a security concern.
- The height will impact telecommunication aerials for phone and wifi connections.
- View from the back of houses on Glenhill Road will be blocked.
- Concern regarding waste materials and removal of asbestos from the site.
- Social distancing in apartment schemes and high density development will be very hard to implement.
- Noise surveys are considered out of date and noise impacts on Premier Square not addressed.

#### Community Facilities



- Lack of public infrastructure in the surrounding area, including schools, gps practices etc.
- Concerns relating to a lack of play facilities in the area to cater for existing apartment development and proposed development.
- The existing schools in the area are at full capacity which will result in the residents having to travel further with knock-on impacts on levels of traffic.
- There are no green spaces for the high population of children resident in the developments along this road and this will have long term impact on children as well as other residents of the area.

### Traffic and Transportation

- The area already has significant traffic issues and the area would be unable to cater for the levels of additional traffic as a result of the proposed development.
- The SHD development is proposed as an extremely high rise, high density apartment scheme in an area with poor transport links that is already dominated by disproportionate residential development and is located at some distance from the city centre.
- Traffic hazard arising from HGVs during construction.
- Air pollution from increased traffic.
- Lack of car parking within the proposed development.
- Proposal is a material contravention in terms of parking.
- Overspill parking in the surrounding area.
- Poor cycling infrastructure in the area.
- Existing cycle lanes are not well maintained, have rough and dangerous surfaces, are hazardous, come to abrupt ends and are shared with pedestrians, dog walkers, scooters, electric bikes, overgrowth and bus stops, all on very narrow footpaths. The cycle lanes are also overtaken by cars illegally parking on them, especially at Glasnevin Cemetery, on a daily basis.

- Bus Connects does not provide for cycle lanes that are protected from traffic and therefore will not encourage cycling use in great numbers in such a high volume traffic area.
- Concerns relating to car parking associated with crèche.

#### Natural Heritage

- Removal of biodiversity and removal of ecological corridors.
- Additionally, any planting will take a substantial number of years to reach maturity and therefore, any ecological benefit for flora and fauna, improvements in air quality, reduction of carbon footprint, reduction of noise pollution or psycho-social factors will be non-existent.
- Question dates of Bird Surveys and Bat Surveys.

#### Surface Water and Flood Risk

- Drainage problems in the area.
- Flooding will arise in the areas.
- Concern relating to sewerage connection into the Premier Square.
- Concerns that the proposed development will impact water pressure levels which is only just about adequate at present.

#### Other Matters

- Concerns relating to the impact on telecommunications in the area.
- Devaluation of property.
- Concerns relating to access for emergency services within the area.
- No Environmental Impact Statement has been submitted with the application.

## **8.0 Planning Authority Submission**

### **8.1. Overview**

- 8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Dublin City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 25<sup>th</sup> August 2021. The report notes the planning history in the

area, policy context, site description, summary of third party submissions, summary of views of the relevant elected members, and planning analysis of the proposal. The submission includes several technical reports from relevant departments of Dublin City Council. The Chief Executive's Report concludes that it is recommended that permission be granted. The CE Report from Dublin City Council is summarised hereunder.

#### 8.1.1. **Planning Opinion**

- CE Comment, Principle
  - Residential, childcare facility and public service installation (which includes telecommunications as per definition in development plan) are all in accordance with Z1. However, there are concerns relating to the telecommunication infrastructure.
- CE Comment, Height, Scale and Design
  - Discrepancy noted in relation to heights stated in material contravention statement, which is higher than in planning report, statement of consistency and response to Board Opinion. Notwithstanding, heights all above 16m maximum height as per development plan.
  - Site's location is appropriate for tall buildings in close proximity to public transport corridor.
  - The scale of the proposal is a suitable response to the height of Premier Square.
  - The Planning Authority consider the development provides a strong urban edge of appropriate scale, height and design along Finglas Road which then transitions in building height to the rear to ensure the development will not have a negative impact on the residential area of the two-storey dwellings in close proximity.
  - Concerns of PA at pre application stage, where buildings of 6-8 storeys proposed, have been taken into account and this now reduced to 5-6 storeys.
  - Proposal would successfully enhance the character of the area and the design responds to the surrounding built environment acceptably and would

make a positive contribution to the urban neighbourhood and streetscape as required under the 'Urban Development and Building Heights' criteria.

- The PA consider the Finglas Road elevation to be of a high-quality design, which now incorporates attractive and durable materials and the provision of brick of alternative colour, would allow for reasonable levels of visual interest. Notwithstanding this, it is recommended that where a render finish is proposed, that an alternative façade treatment be provided which may be more attractive and durable, e.g. rainscreen cladding system.
- A Sunlight and Daylight Access Analysis prepared by IN2 Engineering Design Partnership has been included with the application. The daylight and sunlight results are considered overall acceptable by the PA.
- CE Comment, Density, Site Coverage and Plot Ratio
  - While the site is not central, it is an accessible inner suburban site, close to centres of employment, and comprises an infill site in a well-serviced area.
  - The proposed development provides for a high density, of approximately 153 units per hectare. The Planning Authority does not have any in-principle objection to a high density development on this application site, given its close proximity to a public transport corridor, subject to assessment in terms of residential amenities and character and visual amenities of the area.
  - Site coverage would be 25%, falling below the indicate range set out within the City Development Plan.
  - The Plot Ratio would be 1.3.1, which falls within the indicate range set out within the City Development Plan.
- CE Comment, Overlooking
  - The top three floors of Blocks 1,2 and 3 may have the potential to cause overlooking of dwellings on Glenhill Road.
  - The rear (north eastern) elevation of Blocks 1, 2 and 3 all include balconies which have glass screen panels which face the rear of dwellings on Glenhill Road. It is noted that the balconies at 6th floor levels include frosted glass panels. In terms of overlooking, it is noted the Block 1 would be set back

between c.34 and c.35m from the north eastern boundary of the land (c.52 and c.54m from the rear of the dwellings at No's 67 to 73 Glenhill Road). Block 2 would be set back between 33 and 35m from the north eastern boundary of the land (between c.47m and 53m from the rear of the dwellings at 75 to 82 Glenhill Road) and Block 3 would be set back c.33m from the north-eastern boundary of the land (between c.32 and c.42m from the dwellings at 84 to 86 Glenhill Road). It is acknowledged that these balconies would face the rear gardens and rear elevations of dwellings on Glenhill Road. However the set-backs of between 33m and 42m from the north-eastern boundary are considered to be sufficient to ensure that there would not be undue overlooking.

- The north western elevation of Block 3 faces towards the rear of dwellings at 1-12 Glenhill Road. This elevation includes balconies. This elevation would be set back c. 20m from No.1 Glenhill Road (and c30m from the rear of the dwelling). This is considered to be a reasonable set-back to ensure no undue overlooking would occur.
- Block 1 of the proposed development would be set back c.22m from Block 7 of Premier Square to the south of the site. This is considered to be a reasonable set-back. It is noted that the south eastern elevation of Block 1 does not include any balconies. However, it is noted that there have been a number of objections from occupants of apartments within the Premier Square development relating to potential overlooking. In this regard, it is noted that this elevation does include living room windows, which could be considered to be semi-active spaces. However, having regard to the set back which is achieved, it is considered that there would be no undue overlooking of the Premier Square apartments.
- CE Comment, Telecommunications Antennae
  - As expressed in the City Development Plan and Ministerial Guidelines for telecommunications antennas and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses and the possibilities offered by some commercial or retail areas should be explored. Residential areas should be considered as a last resort.

- The application site is a residential zoning (Z1) and while such proposals are not precluded from being considered in these zones, the PA is primarily concerned with the appropriate location and design of telecommunications structures in this residential area and the visual impact of the proposal.
- Given the location of the telecommunications equipment it is considered that it would be visible in the area, from a number of viewpoints. This would seriously detract from the visual amenities of the area. Furthermore, the development would set an undesirable precedent for locating such equipment in other residential zones across the city. Residential areas should only be considered as a last resort. It is the preference of the Planning Authority that the telecommunication antennae be omitted from the scheme. A condition is recommended.
- CE Comment, Residential Quality Standards
  - The scheme is considered to be in compliance with SPPR3.
  - Section 16.10.1 of the Dublin City Development 2016-2022 sets out the following unit mix requirements: A minimum of 25-30% one bed units; A minimum of 15% three or more bedroom units. However, it is noted that as the site is greater than 0.25ha the provisions of SPPR 1 of the Ministerial Guidelines apply and it complies.
  - The scheme is providing 51% as either dual or triple aspect. It is considered that all of the identified units (corner units and mid-block corner units) are genuinely dual aspect. This is considered to be acceptable.
  - Section 5.1 of the Daylight and Sunlight Report notes that this assessment has used the lower 1.5% standard as a basis for the Living / Dining/ Kitchens (LDK). Ordinarily this would not comply with the required standard of assessment. However, it is noted from an inspection of the diagrams that approximately 50% of all LDK's would have an ADF in excess of 3% and in all of the KLD's would achieve an ADF of at least 2%. The Planning Authority is satisfied that the proposed development would allow for acceptable access to light.
- CE Comment, Private, Communal and Public Open Space

- Private open space provision is acceptable. A Wind Analysis and Pedestrian Comfort Report prepared by IN2 Engineering Partnership, state that all balconies provided within the scheme will be suitable for long term sitting when assessed against the Lawson Criteria.
- Given the location of the proposed public open space to the rear of the development, in a peripheral & elevated area of the site, not on a public route and elevated from the general ground level there are concerns relating to whether the proposed public open space could be considered to be genuinely accessible. The proposed public open space is in a relatively isolated location within the proposed residential development site which is unlikely to be of sufficient benefit to residents of the wider area.
- In the previous application, where the public and communal open space was proposed in the same location and same configuration as proposed under this application, the Inspector recommended that the public open space be omitted and all of the open space should be designated as communal open space to be used for the benefit of residents of the scheme. It is the preference of the planning authority that all of the space within this area be designated as communal open space and that the public open space element be omitted from the scheme. Having regard to this, it is considered that a financial contribution towards the provision and enhancement of open space and landscape in the locality should be addressed by way of condition.
- There is a minimum requirement for 1,149 sqm of communal open space to be provided, on the basis of the proposed mix. The application documents outline that the proposal incorporates 1,190 sqm of outdoor communal open space. However, upon inspection of Drawing No. 1813A-OMP-00-SP-DR-A-1005 "Site plan- Open Space", it would appear that the area of communal open space actually proposed would be c.1, 043m<sup>2</sup>. It is noted that the area of playground associated with the crèche has not been included in this figure as this is not considered to be communal open space. It is considered that the area between the residential block along the Finglas Road frontage would not provide a sufficient level of amenity for residents being more akin to a

circulation route providing access. Therefore the overall area which is considered to be communal open space would reduce to 902m<sup>2</sup>.

- There are concerns that the overall quantum of space proposed would not comply with the requirements of Appendix 1 of the apartment guidelines in terms of quantity and Section 4.10 – 4.14 of the apartment guidelines in terms of quality. Having regard to this discussion above relating to public open space, it is considered that the entire open space area on the eastern boundary of the land should be designated as communal open space. This would ensure that the proposal would provide adequate communal open space. A condition is recommended.
- The report from the Drainage Division of Dublin City Council dated 17/8/21 notes that the proposed landscape plan is inconsistent with the submitted surface water management plan. The Drainage Division recommends that a condition requiring a revised landscape plan shall be provided which incorporates all of the SuDS features proposed in the surface water management plan including bio retention planters. In the event of a grant of permission the Planning Authority requests that a condition should be attached which takes account of this.
- CE Comment, Resident Facilities
  - The proposed development includes communal facilities at ground floor level in Block 1. The Planning Authority requests that a condition is attached to any grant which requires that the resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities, and should be made available to non-residents.
  - A number of objectors from the Premier Square development have highlighted concerns in relation to the bike store and bin store on the rear boundary of the land. It is considered that these facilities should be moved away from this boundary to ensure there is no impact on the amenity on the residents of Premier Square. The Planning Authority requests that a condition is attached to any grant which requires that the bike /bin store building is relocated from its current location to ensure the amenity of residents of Premier Square protected.



- CE Comment, Transportation Issues (Access and car parking, bicycle parking and Mobility Management Plan)
  - In the event of a grant of permission, the detailed design considerations required for the upgrade of the entrance arrangements and associated traffic lights can be subject to the agreement of the relevant divisions within DCC. The principle of the proposals is considered acceptable.
  - The car parking ratio is considered to be acceptable.
  - With regard to cycle parking, it is noted that c. 307no. spaces would be required in accordance with the Apartment Guidelines, however in the context of both sets of standards, the PA is satisfied with the level of cycle parking.
  - The principles outlined in the MMP are considered acceptable.
- CE Comment, Childcare Facility
  - Having regard to the number of 2 bedroom and 3-bedroom units (96 in total), the proposed development has a requirement for a crèche facility for 24No. spaces. The Planning Authority is therefore satisfied with a childcare facility with provision for 26No. children.
- CE Comment, Social Audit and School Capacity Assessment
  - Having regard to location of the site in an area which is reasonably well served by social and community infrastructure and the fact that the proposal includes a crèche (which could be used by residents of the proposed development and residents from the surrounding area) and resident support facilities, it is considered that sufficient amenities have been provided for and there is no requirement for additional community facilities. No assessment is provided of the total capacity of schools in the area, and third party comments on the issue are noted. However, the relatively small number of three-bed units is unlikely to lead to a large number of school-going children in the development.

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

- Parks and Landscape Services – No report.
- City Archaeologist – Conditions recommended.

- Drainage Division – Conditions recommended.
- Transportation and Planning Division – Conditions recommended.
- Air Quality and Noise Monitoring Unit – Conditions recommended.
- Housing and Community Services – Applicant has engaged with the Housing Department in relation to Part V.
- Waste Regulation – Conditions recommended.

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

#### Height/Design/Layout

- Development will still have an impact on the Glenhill residents particularly to the rear of site and it is important that if the proposed development goes ahead that there is prior consultation with these residents in advance of works commencing.
- Concern was expressed that if this proposed development is approved the applicants may lodge a further application in the future to increase the height, which has happened with other similar developments in the area in the past. Any such applications would be opposed.
- 6 stories is acceptable for this site but would have serious reservation about anything in excess of that.
- It was queried why Antennae were being placed on top of apartment buildings and if this was standard practise. Normally you wouldn't see that many antennae on the top of apartment building. It was also questioned if these antennae would generate income for the developer.

#### Transportation Planning and Parking

- Implications for increased traffic in the area.
- Limited bus service in the area at present and the need to improve and better co-ordinate the local bus services in tandem with increased residential development in this area. Currently a lot of people who are on HAP travel with their children by bus from this area to Ballymun every morning at 8am and arrive at their schools too early as there are limited bus services in the area.

#### Parks and Play Areas

- Lack of play facilities for children in the area in view of largescale developments there in recent times and now this proposed development.
- The proposed development is near a busy road and it is important that there are safe plays areas for children on the site and where parents can see them from balcony.

#### Impact on Local Community and Community Gain

- It should be possible to have greater community gain for local residents from this proposed development with possibly a contribution from the developers towards the redevelopment of local parks in the area.
- Local residents have welcomed the fact that the development has been scaled back and it would appear that some of their concerns have been addressed. However they would welcome greater consultation with the developers on an ongoing basis to redress any issues that may arise. If there was greater consultation with local residents you would have less 3rd party objections to SHD applications such as this one.
- Concerns around the landscaping of the site and possible removal of trees which would leave the area more open and less sheltered. They would like to see as many trees as possible retained.

#### 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:

- C1: a) The telecommunications antennae shall be omitted from the scheme b) The proposed render finish to elevations of the development shall be replaced with an alternative durable and visually pleasing, high quality material/finish; and c) The proposed bike storage and bin store building located in proximity to the south-eastern boundary of the land shall be relocated to an appropriate location within the site area.
- C2: The proposed public open space proposed along the eastern boundary of the land shall be omitted from the scheme and the entire open space in this area shall be designated as communal open space.

- C3: Contribution in lieu of open space of €4000 per residential unit to the planning authority as a contribution under section 48 of the Planning and Development Act 2000 (as amended) and the Dublin City Development Plan.
- C8: Requirements of the Transportation Planning Division shall be complied with:
  - a) The existing access/egress serving the development onto the public road shall be incorporated into the existing traffic signals on the Finglas Road. This will require new signals, ducting, poles, alterations to the existing footpath and upgrade of existing signals and PROM. Prior to commencement of any development the above works shall be agreed in writing with the Planning Authority. All works shall be carried out at the applicant/developer's expense at no cost to the Local Authority. The carrying out of these works shall be completed in full prior to the occupation of the proposed development.
  - b) Prior to the commencement of development, revised drawings and details shall be provided regarding the provision of two tier bicycle rack stands within the internal bike store. This shall include manufacturer's details of the proposed racks to be incorporated, ensuring that adequate separation distance has been provided.
    - (ii) a) The car parking spaces shall not be sold, rented or otherwise sub-let or leased to any parties. These shall be retained by and managed by the Management Company for the development. 4no. car spaces shall be reserved at all times as car share spaces.
    - b) All car parking spaces shall be future proofed by the inclusion of ducting and / or cabling to permit the rapid future installation of Electric Vehicle (EV) charging point.
  - (ii) a) Within 6 months of the occupation of the proposed development, an updated Mobility Management Strategy shall be submitted to the planning authority for written agreement. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking and the use of car club spaces. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.
- C12: Archaeology

- C17: The glazing system of the building shall have suitable sound insulation performance values. Prior to any development taking place on the site, the developer shall submit to and agree in writing with the planning authority details of the glazing system to be installed supported by laboratory tests confirming the sound insulation performance of the glazing system to currently recognised EU standards.
- C21: Section 96 agreement.
- C22: Financial contribution under the adopted Development Contribution Scheme.
- C23: Bond condition.

## 9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Dublin City Childcare Committee

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

### 9.1. Irish Water -

- Based upon details submitted by the developer, Irish Water confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.
- It is noted that the proposed wastewater connection for this development connects to the Irish Water network via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure). It is the responsibility of the applicant to ensure relevant consents and/or requirements are agreed and in place prior to any connection agreement.

### 9.2. IFI -

- Site is located in the catchment of the Tolka River.
- All works to be completed in line with the submitted Construction Management Plan (CMP).
- Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. Also, a High Court judge has recently ruled planning permission must be quashed for a proposed €500 million wastewater treatment plant at Clonshaugh, intended by Irish Water to supplement the Ringsend waste water treatment plant.
- It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

9.3. TII – No observations to make.

## 10.0 **Assessment**

### 10.1. **Introduction**

10.1.1. 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, Height 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.

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

### 10.3. Principle of Development

10.3.1. The proposed development comprises the construction of 191 no. apartment units, a childcare facility (approximately 212sqm), and ancillary development including public open space, communal open space, 99no. car parking spaces and 271 no. bicycle parking spaces. The apartments are provided in three separate blocks, each with a maximum height of 6 storeys over ground.

10.3.2. The site is zoned Z1, the objective of which is 'To protect, provide and improve residential amenities'. Residential use is a permissible use. It is proposed to provide a childcare facility and to provide for telecommunications antennae on top of one of the buildings. Telecommunications antennae fall under the definition of public service installation, as per the definition under Appendix 21 of the Dublin City Development Plan 2021-2022. The childcare use and telecommunications antennae are permissible uses. The principle of development is therefore acceptable, subject to the detailed planning considerations, as set out hereunder.

### 10.4. Density, Dwelling Mix, and Site Coverage

10.4.1. The application site is governed by zoning objective Z1 'to protect, provide and improve residential amenities' as per the Dublin City Development Plan 2016-2022 and is located within the Dublin City and Suburbs area of the Metropolitan Area, as per the Dublin MASP. The proposed development comprises 191 units on a net site of 1.23ha, resulting in a net density of 155 units/ha.

10.4.2. A number of observer submissions have expressed concern in relation to the density proposed being excessive and the unit mix, comprising a high number of smaller sized units, unsupportive of family living. Concern is raised in relation to a lack of high quality public transport to support such a high density development.

10.4.3. The submitted CE Report considers the density appropriate for the site given its location served by a high-quality public transport route.

- 10.4.4. 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. The site, as per the Dublin MASP set out within the RSES, is located within the Dublin City and Suburbs area of the Metropolitan Area, which promotes consolidated growth of brownfield/infill sites, as supported by RPO 4.3. 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.
- 10.4.5. The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. With regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 10.4.6. 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 and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels. 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.

- 10.4.7. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note 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 guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.
- 10.4.8. The site is in my opinion a 'Central and/or Accessible Urban Location' as defined under Section 2.4 of the Apartment Guidelines 2020. This brownfield infill site is in my view well placed to accommodate high density residential development given its proximity to a high frequency urban bus service (I refer the Board also to Section 10.10 hereunder in relation to transportation), with a stop adjacent the site boundary, and existence of cycle infrastructure alongside footpaths adjoining the site. The existing Broombridge Luas stop is a 1.5 km walk from the site. I note there are plans to increase the existing high frequency bus service along the Finglas Road through BusConnects; and plans for an extension of the existing Luas green line to Finglas which would benefit this area. I further note the proximity to the Clearwater shopping centre (on the opposite side of the road), proximity to Finglas Village, and location within walking distance or a short commute (walking, cycling, bus) of a range of employment options within the industrial areas to the north of the site, in Finglas Village, and in Dublin City Centre, as well as to public open space of the Tolka Valley Park, Erins Isle GAA Club, and Johnstown Park.
- 10.4.9. I am of the opinion that the delivery of residential 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). 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.

10.4.10. Dwelling Mix

The unit mix is as follows:

Unit Mix

	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Apartments</b>	38	57	76	20	<b>191</b>
<b>As % of total</b>	20%	30%	40%	10%	100%

10.4.11. 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)'. The proposed development is in compliance with these standards.

10.4.12. Section 16.10 of the Dublin City Development Plan 2016-2022 states apartment developments >15 units shall contain a maximum of 25-30% one bed units and a minimum of 15% 3 + bed units. The proposed development does not meet the minimum requirement for 3 bed units and I note the applicant considers there is a possibility that the proposed could be deemed to represent a material contravention of the development plan.

10.4.13. SPPR 1 of the Apartment Guidelines provides that Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. The proposed housing mix is consistent with SPPR 1. The Board may wish to take a precautionary approach in relation to the matter of material contravention, as discussed in Section 10.12 hereunder. I am satisfied that the development is in accordance with SPPR1 of the

Apartment Guidelines and that permission for the development should be granted having regard to section 28 guidelines, specifically the Design Standards for New Apartments Guidelines for Planning Authorities, which were adopted subsequent to the current City Development Plan. 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.

10.4.14. While concerns are raised in submissions that apartment developments will lead to transient populations, unsupportive of family living, there is no evidence to support this assertion. The prevailing context is of an attractive well serviced urban area, being a short commuting distance from a range of services, amenities, and employers, including those in the city centre. Furthermore, an appropriate management regime will be put in place for the apartment scheme and a resident's amenity space is proposed at ground level in Block 1. I consider that the proposed apartment accommodation overall is acceptable at this location, will not lead to an oversupply of apartments having regard to the wider context of predominantly two storey dwellings, will support a variation in typology for different sectors, 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).

#### Site Coverage

10.4.15. With regard to site coverage, Section 16.6 of the Development Plan sets out indicative site coverage standards for developments, with 45% - 60% applicable to this site. Site coverage is the percentage of the site covered by building structures, excluding public roads and footpaths. Site coverage is stated to be a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. Site coverage is further stated to be a tool particularly relevant in urban locations where open space and car parking standards may be relaxed. The development plan

allows for scenarios where higher site coverage may be permitted in certain circumstances. These are not applicable in this instance, as the site coverage is lower than the indicative standard, being 25%, given the embankment element of the site is not developable. I note that the standards are indicative and their purpose is as a tool to help prevent overdevelopment and issues around sunlight and daylight. I am satisfied that the site coverage figure given is acceptable within the current context and subject to site specific assessments, as set out hereunder, which have assisted in addressing issues around overdevelopment.

## 10.5. **Layout, Height and Design**

### Overall Layout

- 10.5.1. The layout of the scheme has been informed by the existing site context, the predominant factors being the challenging topography to the rear of the site, which comprises an overgrown embankment 5-7m above the ground level of the site, and proximity of the site to two storey dwellings to the northeast/east and existing apartments to the southeast.
- 10.5.2. The proposed development comprises three blocks of apartments, with a maximum height of 6 storeys over ground, which are orientated in a linear form, toward the adjoining Finglas Road. Block no. 1 is 6 storeys in height with a childcare facility and resident's amenity area (120sqm) at ground floor level; Block no. 2 is 6 storeys high, with the 6<sup>th</sup> floor set back at upper level resulting in what is described as a part 5 storey element; Block no. 3 is also 6 storeys in height. Undercroft parking is provided below Blocks 2 and 3, with additional adjoining surface parking provided to the rear of the blocks adjoining where there is an existing embankment.
- 10.5.3. In terms of the design and elevational treatment of the proposed blocks addressing the Finglas Road, I consider that the overall variation in materials and finishes, together with the slight changes in height and slight modulation of the building line within each block, and the fenestration pattern proposed, will ensure that sufficient visual interest is created at this location. I am generally satisfied with the design approach and that the elevational treatment and the design/scale of the blocks will ensure that the development does not read as a monolithic block. I note concerns raised by the planning authority in relation to the use of render, which can be addressed by way of condition.

- 10.5.4. In relation to the public realm, I note the proposed development provides for a positive aspect to the Finglas Road, with the removal of the existing high boundary wall and replacement with a low wall and railing, in addition to pedestrian access points. The aspect to Glenhill Road at street level is not proposed to be replaced with a more transparent boundary treatment given rising ground levels along this boundary, however, there will be additional passive surveillance of this street from the upper levels of apartment Block 3.
- 10.5.5. A linear area of public open space is proposed at the rear of the site (northeastern/eastern boundary) at an upper level/on top of the existing embankment, with one lift platform centrally located in addition to steps at either end of the site allowing access from the apartment/surface parking ground level up to the proposed open space, which will be level with the neighbouring houses at Glenhill Estate. The provision of the lift access will ensure accessibility for all to this open space.
- 10.5.6. I note concerns raised in submissions in relation to the potential undermining of foundations of neighbouring developments. A Sub-Terranean Structures Report has been submitted with the application which sets out how the embankment will be stabilised through reprofiling and using a soil nailed methodology, and the embankment is to be finished with a vegetated/grass face when complete (see Appendix B of the submitted report). A sheet piling wall is proposed proximate to the northern boundary to facilitate the development of Block 3 and undercroft parking and diversion of the sewer at this point (see Appendix A of submitted report). The piling works for Block 01 are approximately 22.0m from the Premier Square Apartments and approximately 30.0m from the rear of the closest property on the Glenhill Road. It is stated in the submitted Outline Construction Management Plan that as no third-party structures are immediately adjacent the building piling works, it is considered that the piling works will not create settlement or damage to neighbouring properties. It is stated that Seismographs (Vibrographs) will be provided on adjoining buildings or on boundary walls adjacent to these buildings at locations to be agreed and if vibration and noise readings measured by the instrumentation exceed the specific Amber Trigger levels, the Contractor shall immediately suspend or stop such aggravating activities until the impacts are checked and fully understood. I am satisfied with the level of information submitted in

relation to the construction issues arising on this site in terms of their potential for environmental impacts and potential impacts on stability and note that detailed construction methodologies will be governed by building regulations, which is separate to the planning code.

10.5.7. Vehicular access to the site is from an existing junction off the Finglas Road serving these lands and the Care Choice Nursing Home on the opposite site of the Finglas Road. It is proposed to upgrade this junction to facilitate the development. Two new gated pedestrian accesses to the Finglas Road will be provided between Blocks 1 and 2 and between Blocks 2 and 3 and a third gated pedestrian entrance is proposed alongside the gated vehicular entrance. I have concerns in relation to the gated nature of the development and lack of permeability. I note policy QH10 of the Dublin City Development plan states it is policy 'To support the creation of a permeable, connected and well-linked city and discourage gated residential developments as they exclude and divide established communities'. Chapter 16 in relation to development standards further states 'Gated developments will be discouraged as they prevent permeability'. In the interests of permeability and social inclusion, a condition is recommended to ensure no pedestrian gates/barriers are erected at the pedestrian entrances into the development. I consider the gated entrance for vehicles acceptable in the interests of traffic management.

10.5.8. I am overall satisfied with the general design and layout of the scheme as proposed and I am satisfied that the development would provide for a positive public realm, and a highly legible urban environment, subject to condition.

#### Height and Design

10.5.9. There are three apartment blocks proposed, aligned in a linear form toward the Finglas Road. The buildings are six stories in height, with Block 2 having a set back upper level from the southeast end of the building. The overall heights are as follows:

- Block 1 has a parapet height of 19.6m/maximum overall height of 20.6m when measured to the top of roof plant.
- Block 2 has a parapet height of 20.13m/maximum overall height of 21.3m, when measured to top lift overrun and telecoms support pole.

- Block 3 has a parapet height of 20.1m/maximum overall height of 20.8m including the top of lift overrun.

10.5.10. Section 16.7 of the current development plan 'Building Height in a Sustainable City' allows for a maximum height of up to 16m in the outer city. The heights proposed, which are a maximum of 21.3m, exceed this limitation. The submitted CE Report refers to the Building Height Guidelines, which preclude the use of blanket numerical limitations on building height, instead requiring that a criteria-based assessment is undertaken, in respect of height. The CE Report considers "the proposed development in its current form which has been reduced in height from what was proposed at the pre-application stage would successfully enhance the character of the area and the design responds to the surrounding built environment acceptably and would make a positive contribution to the urban neighbourhood and streetscape as required under the 'Urban Development and Building Heights' criteria".

10.5.11. 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, as well as on Premier Square Apartments. It is contended that the submitted height does not respect the existing built environment or contribute to the area, is excessive, and is a material contravention of the Dublin City Development Plan. It is contended that SPPR 1 and SPPR3A of the Ministerial Guidelines do not apply to the subject land and therefore there can be no justification for buildings which would materially contravene the Dublin City Development Plan 2016-2022 in relation to height.

10.5.12. 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 photomontages and Landscape and Visual Impact Assessment report. In addition, a Daylight and Sunlight Assessment Report has been submitted and a Microclimate Wind Analysis. I note that submissions/CE Report highlight a discrepancy between the heights indicated in the Material Contravention document and the Planning Report/Statement of Consistency (height in material contravention statement: 21.9; 23.1m; 23.1m. Height in Planning Statement 20.6m; 21.3m; 20.8m). I am satisfied that the drawings submitted are accurate and that while the maximum height stated in the Material Contravention Statement is marginally higher than shown on the drawings, all the heights indicated are above the 16m limit of the development plan and the number of storeys proposed is as presented in the drawings and all the documents. I am satisfied that the typographical errors have not impeded my assessment. I have had regard to all documents submitted and submissions made and have viewed the site from various locations. I have addressed the issue of a possible material contravention of the Dublin City Development Plan 2016-2022 in Section 10.12 below, and I provide further assessment of height against the criteria in section 3.2 of the Building Height Guidelines hereunder, given the development plan indicates a blanket maximum height of 16m for the location of the application site, while the proposed development has an overall maximum height (including roof equipment) of 21.3m.

10.5.13. The first criterion under section 3.2 of the Building Height Guidelines relates to consideration of the site at the scale of the city. The subject site is located with frontage onto the Finglas Road, which comprises a bus corridor and cycle/pedestrian facilities on both sides of the road. The site is well served by existing bus services which are high frequency and of a high capacity, and the site is well served by existing cycle infrastructure and pedestrian paths. Broombridge is the nearest Luas station and is located 1.8km south-west of the site, which provides for additional connections to the wider city area and is a short cycle trip from the site/20 minute walk. I refer the Board to Section 10.10 hereunder in relation to Traffic and



Transportation. There are notable plans for increasing public transport capacity along the Finglas Road in the future via BusConnects and Luas Finglas. While there are plans to upgrade and improve modes of public transport and sustainable movement in the area, this is not to say the existing options available are not high frequent or efficient. I consider the site is ideally located and serviced with options and links between public transport and more active modes, and is at a location which will further build on such sustainable options in the future. Supporting a shift in modes of transport to walking and cycling will ultimately benefit all in the community and the proposed development provides for a high level of connectivity into the surrounding network in this regard. There are a number of amenities in the area, including the Royal Canal Greenway and Tolka Valley park/Greenway, with a number of employers in the immediate and wider area, including industrial employers to the north of the site, Dublin Airport and its associated employment, as well as accessibility to range of employers within a relatively short commute to Dublin City Centre. I note in particular the proximity of services such as the shopping centre at Clearwater and Finglas Village. I am overall satisfied that the level of public transport currently available is of a scale that can support this future population, alternative options of walking and cycling are available to local services and amenities is provided for, 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 supported by providing for a critical mass of population at this accessible location within the Metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

10.5.14. I have had regard to the character of the existing area, site levels of the existing and adjoining areas, and considered whether the proposed development would make a positive contribution to the character and public realm of the area. The site is not adjoining an ACA, protected structures, and there are no designated views in the area of the site. I have had regard to the submitted Landscape and Visual Assessment and accompanying CGIs, which appraise the effect the proposed development will have on the receiving environment. The Finglas Road at the location of the application site is currently weak in urban form given the vacant nature of the site, its high boundary walls, and low rise development on the opposite side of the Finglas Road (see photomontages Views 5, 6 and 10). In terms of its

context, I note the Finglas Road has evolved in character in recent years, with a number of apartment developments constructed to the south of the application lands, including the adjoining apartment scheme of Premier Dairies (5-7 storeys in height; gated development) and the Prospect Hill apartment scheme on the opposite side of the Finglas Road (6-7 storeys; open development with no gates). The design of Blocks 1, 2 and 3 will in my opinion create a positive urban edge to the Finglas Road replacing the existing high boundary wall with an active edge, and the proposal for three blocks six storeys high will create a greater sense of place and legibility on these vacant lands. The proposed development in my opinion will not be out of character in terms of height and design having regard to the existing context of the Finglas Road, but will integrate with and enhance the adjoining public realm and evolving urban form. I am satisfied that the breaking up of the development into three blocks, the proposed variation in materials, variation in height of Block 2 and slight modulation in height of the other blocks, the modulation in building line of the blocks, and the manner in which the elevations to the Finglas Road are designed and broken up, will deliver a development of sufficient density and of high quality development that will make a positive contribution to the streetscape, to place making in the area, and overall to the evolving urban form along the Finglas Road.

10.5.15. With regard to Glenhill Estate, two storey dwellings along Glenhill Road back onto the site and the development will be of increased scale compared to the existing two storey form (see drawings titled Block 1 Sections, Block 2 Sections, and Block 3 Sections). However, given the change in ground levels (with the ground level of Glenhill Estate being 7m higher), the design and height of Blocks 1, 2 and 3, and given proposed distances from boundaries (31m at its closest), I consider that the proposal has overall had due regard to the context of the existing dwellings and will not detract from the existing character of these dwellings. While the development will be visible from the rear of the existing dwellings backing onto the site, with the view changing considerably from a vacant site with vegetation along the boundaries, 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, particularly given development plan policy for consolidation. I further note the view will change over time as proposed vegetation matures along the rear boundary of the Glenhill Road properties.

- 10.5.16. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood and streetscape as per Section 3.2 of the Building Height Guidelines, as stated above I note the proposed development will alter the visual character of the area, however, I consider that on balance this is consistent with emerging trends along the Finglas Road and is consistent with new development in the city generally being at an increased scale, more appropriate to the urban context and accessibility of the area. The proposal in my opinion responds appropriately to the urban edge along Finglas Road and contributes to the legibility of this section of the road and activity along its frontage. With regard to the proposed design, I note the overall positioning of the blocks in terms of distance to boundaries and overall height which has taken account of the two storey dwellings to the rear, and positioning of windows and balconies relative to the existing apartment block to the southeast, as well as slight modification in height and building line across the blocks. I consider the overall design and height will ensure avoidance of a monolithic profile.
- 10.5.17. I note this area is evolving along the Finglas Road with more mixed typologies and increased densities being permitted in what historically has been a two-storey suburban area. To support the development of sustainable communities, the creation of mixed forms and typologies alongside the existing built form is required, which will also contribute to the architectural interest of the area as it evolves alongside the existing two storey urban form.
- 10.5.18. As per the Building Height Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in Section 10.7 the impact of height on residential amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy, as well as consideration of specific assessments submitted (as listed in section 3.5 above and referenced throughout this report), which I consider are sufficient to assess a development of the scale proposed.
- 10.5.19. Overall, I consider that the proposed development satisfies the general considerations in relation to height as set out in the Building Height Guidelines, in particular the criteria set out in paragraph 3.2 of the Guidelines and 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.

## Telecommunications Antennae

10.5.20. Telecommunications equipment is proposed at the upper level of Block 02 as part of the proposed development and consists of the following:

- 6 no. pole mounted radio link dishes (each dish c. 0.3m in diameter) all located on lift overrun at roof level of Block 02. They have an overall height of c. 1m above the lift overrun.
- The dishes are enclosed by a total of 3no. radio friendly GRP shrouds. The telecommunications equipment extends to a maximum of c. 1m above the parapet height of Block 02.

10.5.21. An assessment by ISM has been submitted in relation to the proposed retention of important telecommunication channels such as microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines. The assessment submitted identifies three microwave links emanating from the Carechoice Nursing Home (opposite the application site) as a result of the height of the proposed development. No radio frequency links were found to be affected by the proposed development. To mitigate the impact of the proposed development, permission is sought to install 3 support poles affixed to and rising 1m above the lift shaft overrun on Block 2. To screen the infrastructure, the assessment proposes that the poles and microwave link dishes will be installed within radio friendly GPR cylindrical shrouds. The assessment concludes that with the implementation of the mitigation measures proposed, the residual impact on utility services will be imperceptible, positive and long-term.

10.5.22. I note the CE Report considers that telecommunications antennae in residential areas should be considered as a last resort, with preference for industrial estates or employment uses, with specific concerns in relation to this proposal related to the impact of the antennae proposed on the visual amenity of the area and precedence. The CE Report recommends that the telecommunications antennae be omitted from the development.

10.5.23. Dublin City Development Plan under Section 16.33.1 states 'telecommunications antennae and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings,

may also be acceptable, subject to visual amenity considerations... In assessing proposals for telecommunication antennae and support structures, factors such as the object in the wider townscape and the position of the object with respect to the skyline will be closely examined'. Telecommunications antennae are permissible within the Z1 zoning objective governing the application site.

10.5.24. National policy guidance is set out in the document 'Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities', 1996 (issued by the Dept. of Environment, Housing & Local Government). Section 4.3 of the guidelines state 'The visual impact is among the more important considerations which have to be taken into account in arriving at a decision on a particular application...'. In the vicinity of larger towns and city suburbs, it is recommended that operators should endeavour to locate in industrial estates or industrially zoned land. The possibilities offered by some commercial or retail areas, tall buildings, rooftops or other existing structures should be explored and whether or not rooftop locations or disguised masts would be appropriate should also be examined. In urban and suburban areas, it is stated that the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure.

10.5.25. Having reviewed the site and surrounds, neighbouring land uses and their scale and distance from the site, the submitted elevation drawings, and the dimensions of the proposed infrastructure, I consider the utilisation of the roof top of Block 2 for the proposed telecommunication antenna is in accordance with planning policy which considers rooftop locations of tall buildings appropriate. While the antennae will be visible from certain locations, I consider the proposed infrastructure, given the scale indicated and the position of the infrastructure on the building, would not be visually obtrusive in the immediate or wider landscape of this area and would not detract from the visual amenity of the area. I note Circular Letter PL07/12 (October 2012) in relation to telecommunications infrastructure states with regard to health and safety aspects, that 'Planning Authorities should be primarily concerned with the appropriate location and design of telecommunications structures as they do not have the competence for health and safety measures in respect of telecommunications infrastructure. These are regulated by other codes and such matters should not be additionally regulated by the planning process'.

#### Open Space

10.5.26. The Dublin City Development Plan under Section 16.3.4 states in relation to the function of public open space, that 'Depending on the location and open space context, the space provided could contribute towards the city's green network, provide a local park, provide play space or playgrounds, create new civic space/plaza, or improve the amenity of a streetscape'. Section 16.10.3 further states that 'Public open space is open space which makes a contribution to the public domain and is accessible to the public for the purposes of active and passive recreation, including relaxation and children's play. Public open space also provides for visual breaks between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats. In new residential developments, 10% of the site area shall be reserved as public open space'. The development plan goes on to state that in some instances it will be appropriate to seek a financial contribution towards the provision and enhancement of local space in the locality, where it is not feasible to provide the public open space on site, due to for example site constraints.

10.5.27. The main linear open space is located to the rear of the site at an upper level on top of a modified embankment, with this open space proposed to be subdivided with a gate between public open space and communal open space. Additional communal open space is indicated as being along the Finglas Road to the front/between the blocks, with a small green space at the entrance adjoining the creche comprising buffer planting to the creche and two benches; an informal play area to the front of Block 3; and a steep allotment garden to the northwest corner to the side of Block 3.

10.5.28. I consider the proposed 'public open space' section to the rear of the site will not be accessible to the public given its location and access points, will not contribute to the public domain and is of limited active value given site constraints. I consider the majority of the area between the Finglas Road and the development, which comprises a pedestrian path and a green verge with some benches, is more a circulation route than communal open space, therefore I do not consider all of this area should be included in the calculations for communal open space (with the exception of the allotment area and small play area). In my view, all of the open space to the rear of the site should be designated as communal open space to be used for the benefit of residents of the scheme and the proposed gate dividing the

spaces should be omitted. I consider this space will provide for a sufficient degree of amenity for future residents.

10.5.29. In lieu of public open space on a site, I note the section 10 of the current development contribution scheme, 'Development Contribution Scheme 2020-2023' relates to 'Contribution in Lieu of Public Open Space'. The plan states

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

10.5.30. Should the Board be minded to grant permission, a condition requiring a contribution in lieu should be attached to any permission.

10.5.31. I discuss the location of the open space at the boundary of Glenhill Road and potential impacts on residents in Section 10.7 hereunder.

#### Conclusion – Layout and Design

10.5.32. Overall, I am satisfied that the development is reflective of good contemporary architecture and provides a high-quality design approach and is accordance with section 3.2 of the Building Height Guidelines. The proposed development adequately addresses the issues of proximity to high quality public transport connectivity; contribution to the character and public realm of the area, to place-making, to the urban streetscape, to legibility and to the mix of uses in the area. I consider in relation to the visual impact and impact on the streetscape that the proposal is of a high standard and is innovative and contemporary. The proposed building height is considered acceptable on this basis. The provision for improved activity and engagement at street level and enhancements to the public realm is in my view successful from an urban design perspective.

#### **10.6. Biodiversity and Ecology**

- 10.6.1. An Ecological Impact Assessment (EclA), dated 20<sup>th</sup> June 2021, was submitted with the application. Habitat and Flora Surveys of the site were undertaken on 24<sup>th</sup> May 2019; a Fauna Survey was undertaken on 24<sup>th</sup> June 2019; an assessment of trees and structures for bats was undertaken on 24<sup>th</sup> June 2019; and these three survey types were repeated on 5<sup>th</sup> November 2020. A bat survey was undertaken in May, June and September 2020. A breeding bird survey and habitat suitability assessment for wintering birds was undertaken in May and June 2019. It is stated in the submitted EclA that updated breeding bird surveys could not be undertaken in 2020 due to the time of year of the survey season for breeding birds (April – June), however, the surveys undertaken in November 2020 included anecdotal recordings of bird species on site and it is stated a precautionary approach was adopted when assessing the potential impacts and subsequent mitigation measures on breeding birds, with the worst-case scenario assumed, which overall is stated not to affect the overall quality or validity of this EclA. The surveys for amphibians in May 2019 and November 2020 included habitat suitability assessment surveys given the time of year, however, it is stated this is not considered to pose a limitation on the ecological assessment of the proposed development site for amphibians due to lack of suitable habitat. I am overall satisfied that the methodology set out is robust and acceptable having regard to the content of the surveys and the limitations identified.
- 10.6.2. There are no streams or water features on the site. Bachelors Stream (also known as the 'Finglas Stream') flows parallel to the west of the site, in an underground culvert, to which the surface water from the site drains. This stream flows c. 800m downstream into the River Tolka, which then discharges into Dublin Bay. The surface water systems are designed in accordance with the principles of SUDS as recommended in the Greater Dublin Strategic Drainage Study. None of the works proposed will affect groundwater and groundwater-dependent terrestrial habitats.
- 10.6.3. Habitats are listed as recolonising bare ground, building and artificial surfaces mosaic (of local importance, lower value); broadleaved woodlands (located along the steep slope to Glenhill Road, of local importance, higher value); and broadleaved woodland and ornamental/non-native shrub mosaic, of local importance lower value). The majority of the habitats at the site are considered to be of local importance (lower value), with one section considered of higher local biodiversity value. This higher value area (0.21ha in area) will be lost in order to facilitate the development.



All vegetation on the site is proposed to be removed, which includes 27 trees and scrub (see section 10.6.13 hereunder in relation to the Arboricultural Report). There are no nature conservation or areas of Annex I habitat on the site. It is stated in the submitted EclA that the loss of the existing habitat types is significant at the local scale only.

- 10.6.4. No records of plant species protected through their inclusion within the Flora (Protection) Order, 2015 were recorded during the field surveys. One non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011, Spanish bluebell was recorded. Butterfly-bush and cherry laurel were present in the south west at the entrance to the site, and sycamore was present in the central wooded area, these species are not listed on the Third Schedule.
- 10.6.5. With regard to bats, no trees within the site were considered to have potential roost features (PRFs). The two small sheds (disused ESB structures) within the site were also assessed for potential roost features, and were deemed to have negligible suitability to support roosting bats due to the dilapidated nature of the buildings, the fluctuations in temperature due to the exposure to the elements the sheds would likely experience, and the lack of suitable roosting features. During bat surveys conducted in 2020, three bat species were encountered using the site for foraging and/or commuting, including Leisler's bat, soprano pipistrelle and common pipistrelle. The 2019 survey indicated one species of bat, the Leisler's bat. These bat species are not part of/linked to any European site. It is stated that these bats were likely commuting bats and the site was not used for foraging. The local bat population is valued as being of local importance (higher value), due to the limited suitable habitat within and surrounding the proposed development, the urbanised nature of the site, and the low levels of activity from the three bat species, which are widespread and common species. The loss of foraging habitats on bats are not considered to be significant at any geographic scale, given low numbers identified and lack of roosts within the site.
- 10.6.6. No evidence of badgers, such as setts, snuffle holes or dung, was found on site, however the site is deemed to have potential for setts given the overgrown and abandoned nature of the woodland and scrub habitats.

- 10.6.7. No evidence of small mammals of hedgehog, red squirrel, Irish stoat or pygmy shrews were recorded during site visits. It is stated that the scrub and wooded areas may provide commuting and foraging habitat for these species, to a limited extent. Foxes were noted multiple times during surveys.
- 10.6.8. There were no signs of otter or amphibian species present within the site and there are no watercourses or waterbodies within the proposed development site. The habitats available onsite are not suitable to support Ireland's only protected insect species- the marsh fritillary butterfly *Euphydryas aurinia*.
- 10.6.9. With regard to birds, the submitted EclA identified birds which have been recorded within 2km of the site and finds that habitats present within the lands are not suitable to support the species identified in the 2km area. The lands contain a range of garden and woodland bird species common in an urban setting. The EclA states that the breeding birds within the proposed development site are considered to be of local importance (higher value), due to the widespread distribution of the birds encountered on site, the presence of one amber-listed species (house sparrow) using the site, one red and amber listed species flying over the site (herring gull and swift), and the abundance of suitable habitat in the surrounding environment. Potential for bird collisions is ruled out as the proposed development is not located on a major migration route, or in close proximity to any SPAs, and there are numerous similar-scale buildings in the vicinity of the proposed development meaning that the buildings will not rise greatly above the surrounding landscape. While there is some potential for short-term disturbance of bird species foraging within the lands at the early stage of construction, it is anticipated that birds identified, which are typical of such an urban environment frequented by people, will acclimatise to human presence.
- 10.6.10. The site is not located within or adjoining a European site. A potential source-pathway-receptor link through hydrological means has identified connectivity via the surface water and foul water networks from the proposed development site and Dublin Bay European sites. This is discussed further in Section 11, which addresses Appropriate Assessment Screening.
- 10.6.11. The EclA outlines a range of mitigation measures relating to non-invasive species and protection from dust, including careful removal of the cherry laurel,

Spanish bluebell, sycamore and butterfly-bush prior to works onsite; spraying of exposed earthwork activities and site haul roads during dry and/or windy conditions; provision of wheel washes at exit points; control of vehicle speeds and speed restrictions (20 km/h on any un-surfaced site road); covering of haulage vehicles; and, sweeping of hard surface roads. 221 new trees are proposed in order to mitigate the removal of existing trees and vegetation and it is stated the planting plan proposed will support a wildlife corridor around the peripheries of the site. Mitigation measures in relation to birds are also proposed, including removal of vegetation outside of the nesting season (1st March to 31st August inclusive). Where this is not possible, two further mitigation measures are proposed. Mitigation in terms of potential impact on bats include measures such as timing of clearance of vegetation, undertaking of an emergence survey prior to the felling of trees, and type of lighting proposed during construction and during the operation of the development. As part of mitigation in relation to badgers, while none were discovered as part of the EclA, it is stated that as badgers could potentially establish new setts in the future within the Zol of the proposed development, a pre-construction check of all suitable habitat within the proposed development boundary will be required within 12 months of any constructions works commencing. All mitigation measures are listed in the outline Construction and Environmental Management Plan (CEMP). Cumulative impacts have been considered and no significant residual ecological effects are predicted, either alone or cumulatively with any other projects. I am generally satisfied with the mitigation measures proposed, none of which I note are related to the protection or management of European sites. No special nature conservation objectives relate to the subject site. The issue of appropriate assessment is dealt with in Section 11 below.

10.6.12. The EclA concludes that there will be losses for biodiversity at a local level as these brownfield lands are developed for apartments. From the detailed surveys undertaken in support of the application coupled with observations on site, I am satisfied that the site is of low ecological value. With the implementation of mitigation measures as set out in the EclA, I am satisfied there will be no long-term negative impacts to the biodiversity of the site.

Arboricultural Report

10.6.13. The submitted Arboricultural Report (dated June 2021) states the tree survey has found nothing of individual interest of the subject site, other than a high degree of natural regeneration arising naturally since the demise and demolition of the original dairy plant. The report states that much of the existing vegetation arises in conjunction with the remaining structures on the site and hard standing area related to the previous dairy use. This has created a scenario whereby any development of the site and the removal of such structures will cause damage and disturbance to the vegetation that has grown up from around and within them. It is stated that the basic requirement for sustainable tree retention within the context of development works cannot be attained. For this reason, it is advised that all existing vegetation on the site will be removed, in favour of replacement under the context of a new landscape scheme as provided by Doyle & O'Troithigh Landscape Architects. I note that the proposed development will not impact trees in the public domain adjoining the site.

10.6.14. Having reviewed all documentation submitted and having viewed the site, I am satisfied with the veracity of the information submitted and consider the proposed landscaping plan, which provides for the use of extensive native trees and shrubs, will minimise any potential negative impacts and loss of existing vegetation.

## 10.7. Residential Amenity of Neighbouring Properties

10.7.1. Concerns are raised by neighbouring residents in relation to overlooking, loss of light, loss of privacy and amenity, health and safety concerns, and noise pollution as a result of the proposed development.

10.7.2. I have examined the layout proposed and where potential impacts may arise with neighbouring properties. The applicant has submitted a 'Residential Amenity Report', as well as site specific assessments in relation to Daylight/Sunlight, Wind Analysis and Pedestrian Comfort Report, Inward Noise Assessment and Sub-Terranean Structures Report. I have considered all observer submissions in my assessment.

### Impacts on Privacy, Overlooking and Overbearance

10.7.3. In terms of distances from boundaries, the proposed apartment blocks are a distance of approx. 33m from the shared rear/northeastern boundary with Glenhill Road and Block 3 is a distance of 10m from the southeastern shared boundary with Premier Square apartments. I note the closest Block to the Glenhill Road dwellings is Block 3, whose rear elevation is 37m from the rear elevation of 85A Glenhill Road, with the

block c.30m from no 1 Glenhill Road, which is to the north of the block, at an angle and on the opposite side of the access street in the estate. Block 2 is a distance of 47-51m from the rear elevation of existing dwellings, and Block 1 is a distance 52-54m from the rear elevation of existing dwellings. Block 1 is furthermore a distance of c.23m from its side elevation to the elevation of the closest apartment block in Premier Square (5 storeys high, with ground floor at a lower level). I note from the cross sections submitted, that the ridgeline of 85 Glenhill Road is indicated to be 55.67m AOD, with the upper level of Block 3 (lift shaft height) being 60.28m AOD, which is a height difference of c.4.6m. The cross section through Block 2 indicates Block 2 has an overall height of 59.28m AOD and the ridge height of 77 Glenhill Road is 55.25m AOD, which is a height difference of c.4.03m. The cross section through Block 1 indicates Block 1 has an overall height of 57.75 AOD and 68 Glenhill Road has a ridge level of c.54.65, which is a height difference of 3.1m. As can be seen from the submitted cross-sections, the top three floors will be the most visible given the level differences between the sites, with the dwellings on Glenhill Road sitting approx. 7m above the ground level of the apartments.

10.7.4. In terms of impacts of overlooking/loss of privacy on properties on Glenhill Estate, the proposed development will undoubtedly increase the perception of overlooking from the apartments and their balconies which face toward the shared boundary with the rear gardens of the houses, and will have an impact on the outlook for existing dwellings, replacing as it does significant vegetation along this boundary and the vacant brownfield site below. I note there is no right in planning law to a view and there are no protected views at this location. Any undue overlooking is mitigated through the distances achieved between the development and the shared boundary (approx. 30m, with distances of 37m-54m between elevations of the apartments and the rear elevation of the dwellings), which I consider sufficient in this urban context, and the proposed planting at the upper level open space along the boundary will also mitigate the visual change with the construction of apartment blocks. With regard to the proposed provision of frosted screen panels 1.5m high to balconies at the upper level of each block as a mitigation for overlooking, as noted above I do not consider that given the distances involved undue overlooking will arise and therefore mitigation is not required in terms of how the balconies are treated. I further consider the addition of frosted panels 1.5m high to the balconies in question would result in

an extremely poor residential amenity for future occupants given the impact on their outlook from the apartments. Should the Board be minded to grant permission, I consider the 1.5m high frosted screen panels should be omitted by way of condition.

- 10.7.5. With regard to the apartments within the closest block in Premier Square, I note the side elevation of Block 1 is opposite a portion of this elevation and while some dining/living rooms face toward the neighbouring apartment block, these windows are 22m apart and are not directly opposing existing windows. Furthermore the proposed bedroom windows have been positioned so that they are facing away from this boundary. Having regard to the separation distances involved between the proposed and existing block, the positioning of Block 1 relative to the existing block, and the design of Block 1, I do not consider significant overlooking issues arise, nor will the proposed block 1, notwithstanding level differences, be overbearing on Premier Square apartments.
- 10.7.6. I have considered the positioning of the open space along the rear/northeastern boundary of the site against the rear garden boundary of the existing dwellings. Concerns are raised in relation to security and potential for anti-social behaviour and loss of privacy to apartment in Premier Square. While there will be increased activity proximate to the rear gardens of the dwellings along this boundary, I do not consider the level of noise arising from residents using this garden will be particularly loud, obtrusive, or unexpected in this urban setting and I do not consider a significant loss of privacy will arise in relation to the apartments from what is proposed open space. I have examined the landscaping plan submitted and note that the landscape buffer proposed at the boundary will mitigate potential for people gathering directly at the rear garden boundaries of the neighbouring dwelling and I consider the landscaping plan will in time offer a visual screen between the sites. I do not consider significant anti-social behaviour will arise as a result of the proposed development and the development will have a management company in place to address any issues arising.
- 10.7.7. Concern has been raised by the occupants of Premier Square in relation to the location of a bin and bicycle store at their boundary. I note the CE Report requests a condition be applied to move the bin and cycle store away from the boundary with the Premier Square Apartments. The neighbouring apartment block is at a lower level to the proposed development, with a slight embankment rising up from the patio

area to the shared boundary, with the proposed bin/cycle store (3.3m high) at the approx. line of the first floor apartments. The stores are approx. 12m from the building line of the apartments. Given the distance from the boundary, I do not consider the proposed bin/cycle store will give rise to a significant disamenity to the residents of the existing apartment block in Premier Square or give rise to significant noise above what one normally expect within an urban environment. In terms of its visual impact, I note the overall height has been limited to 3.3m and a green roof is proposed across the top of the building. I consider the building has been sensitively designed and I do not consider the proposal, which will be visible from the apartments, will seriously detract from the amenity of the area.

10.7.8. Concerns are raised by the residents of Premier Square in relation to the impact of the vehicular entrance on their residential amenity. I note the corner window section of the apartment block labelled 126-164 on the site plan) is c. 6.5m from the near edge of the access street, with the existing block proximate to the entrance from the Finglas Road (labelled 110-125 on the site plan) is c. 11m from the access street at its closest point and c. 4.5m from proposed parking spaces. The number of cars accommodated within the site is relatively low and traffic speed alongside the existing apartment blocks would be low. I consider that traffic movement associated with development on this urban site will not be so great or so different to traffic movements in general experienced in urban areas as to give rise to a serious negative impact on the residential amenity of the residents of Premier Square in terms of traffic noise or air pollution. In addition given the low traffic speed possible and the distance of the blocks from the street edge, I do not consider a serious negative impact in terms of residential amenity will arise.

10.7.9. The protection of existing residential amenities requires balancing against the requirements for sustainable consolidated urban infill development in appropriate locations, such as this. In my opinion the proposed development has successfully managed this balance in its design and layout. I note the CE Report has considered impacts on residential amenity and considers the proposed layout and design of the scheme overall acceptable in this suburban context.

Sunlight / Daylight

10.7.10. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.7.11. The applicant has submitted a Daylight and Sunlight Report, section 2 of which outlines the guidelines and standards used and the methodology applied. The applicant’s assessment of daylight, sunlight and overshadowing relies on the standards in the BRE Report “Site Layout Planning for Daylight and Sunlight”; and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting, as well as consideration of the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) and Irish Standard IS EN 17037:2018 (the “2018 Irish EN Standard”). The report submitted notes the texts of the 2018 British Standard and the 2018 Irish Standard are the same, with one exception. The exception is that the 2018 British Standard contains an additional “National Annex” which specifically sets out requirements within dwellings, to ensure some similarity to the now superseded 2008 British Standard. I note the updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.



10.7.12. 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.

#### Daylight – Vertical Sky Component

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

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

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new development subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

10.7.15. The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply.

- 10.7.16. The neighbouring properties that were assessed in the submitted Daylight and Sunlight Report are no.s 1, 2 and 70-85A Glenhill Road, which are positioned to the north/northeast of the site, and the Premier Square Apartments, which are positioned to the east/southeast. The report indicates that the BRE guidance states that in order to assess existing buildings with “more than their fair share of light” due to their adjacency to vacant or undeveloped sites, the guidance recommends utilisation of a hypothetical ‘mirror image’ building equal distance from the boundary as a base to compare reduction of light. It is stated that the existing Premier Square apartment block assessed was therefore mirrored through the site boundary as per the base 3D model above and that this was then compared against the massing of the proposed development.
- 10.7.17. The results of the assessment against the properties in Glenhill indicated that all existing residences would achieve full compliance with BRE recommendations, as VSC values were predicted to remain above 27% and any reduction was less than 20%. I note the closest properties at 85 and 85A Glenhill have an existing VSC of 27.33% and 28.65% respectively, with this changing to 26.9% and 27.8% with the development in place, which is in compliance with BRE guidance in terms of the percentage reduction.
- 10.7.18. The VSC measures relating to Premier Square, which I note is at a lower level to the development, indicates the ground floor and first floor units each has a VSC which is below 27%. However, the results indicate that the majority of apartments assessed in Premier Square would have an improved VSC against the hypothetical mirror building (11 of 12) with the remaining unit only receiving a 2% reduction. The report concluded that these dwellings would therefore not be adversely affected by the proposed new development in terms of receipt of natural light.
- 10.7.19. Overall, the proposed development would have a negligible impact on VSC of existing adjacent properties, and, therefore, would not result in adverse impact to daylight achievable to existing properties.
- 10.7.20. I have used the Guidance documents referred to in the Ministerial Guidelines to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth,

and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical. I am satisfied that the development proposed meets the guidance set out in the guidance documents and the development will not have a significant adverse effect on residential amenity of neighbouring properties.

#### Amenity Space of Neighbouring Properties

10.7.21. 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). With regard to overshadowing, as per the submitted Daylight and Sunlight Report and Appendix A Site Shading Diagrams, the proposed development will impact the rear gardens of the neighbouring properties in Glenhill Road between 16:00 and 17:00 on March 21<sup>st</sup>. No impact is indicated on June 21<sup>st</sup>. Impacts are also indicated between 12:00 and 13:00 on December 21<sup>st</sup>. Based on the assessment submitted and having regard to the referenced guidance, I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under BRE guidance. Given the orientation of the site, the anticipated level of impact is considered reasonable in this urban context and will not result in a significant negative impact on the residential amenity of neighbouring properties. The CE Report considers the proposal acceptable in this regard.

#### Traffic and Construction Impacts

10.7.22. Concerns raised in submissions in relation to the impact of traffic, noise and dust during construction on existing residential amenities is discussed in section 10.10 hereunder.

#### Conclusion

10.7.23. Having regard to the specific design and layout of the blocks, including separation distances, slight modulation of height/building line of the blocks, 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 observer submissions 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.

## 10.8. Future Residential Amenity

### Design Standards for New Apartments

- 10.8.1. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Schedules were submitted to demonstrate compliance with the standards.
- 10.8.2. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.
- 10.8.3. 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 achieves this, with 51% of units comprising a dual aspect.
- 10.8.4. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement complied with.
- 10.8.5. A Building Lifecycle Report has been submitted.
- 10.8.6. Car parking provision is considered acceptable and in accordance with guidelines (this is addressed in detail in Section 10.10 hereunder).
- 10.8.7. Section 4.10 of the guidelines refers to the requirement for communal amenity space. The proposed development requires a total of 1149sqm of communal open space and it is stated 1190sqm is provided. As discussed in section 10.5.28, I do not consider some of the peripheral pathways calculable as communal open space, however, overall I consider the scheme satisfactory in its provision, subject to condition.

### Sunlight Daylight

- 10.8.8. I have had regard to the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

### Daylight - Internal to the Proposed Buildings

- 10.8.9. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. 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 daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 10.8.10. The proposed apartments layouts include a combined kitchen/living/dining room arrangement. As these rooms serve more than one function the 2% ADF value is applicable. The submitted Daylight and Sunlight Report (section 5) states that the kitchenettes to the apartments have been excluded in its assessment as these are considered in the report to be a type of galley kitchens and galley kitchens do not provide dining/sitting areas. The report applies a 1.5% standard to the combined living/dining area, excluding the kitchen. All the living/dining rooms in all the apartments were assessed and achieved greater than 1.5% ADF, with an average 3% ADF achieved. Appendix C of the submitted report includes 'Alternative Daylight Calculations', whereby ADF was calculated based on an assessment of the full kitchen/living/dining rooms (KLD) and not excluding the kitchen as per the main body of the report/section 5. All KLD rooms in the scheme were found to achieve an ADF of at least 2% as demonstrated in the submitted images in Appendix C.
- 10.8.11. An ADF of 1%, as per the BRE guidelines, was applied in the submitted Daylight & Sunlight Report. The bedrooms across the scheme are stated to have achieved in excess of 2.0%.
- 10.8.12. Overall, I am satisfied with the veracity of the results in so far as is practical and the proposed development will provide for satisfactory amenity standards for future occupants. The CE Report states the Planning Authority is satisfied that the proposed development would allow for acceptable access to light.

### Sunlight in Proposed Outdoor Amenity Area

- 10.8.13. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.
- 10.8.14. Section 3 of the applicant's Daylight and Sunlight Report demonstrates that the main area of open space associated with apartments at the upper level/rear of the site is 100% compliant with the BRE Recommendation of achieving at least 2 hours of sunlight on 21st March. The entire ground level space around the building is stated to be 97% compliant with shading to the immediate north/northeast of the building. The area identified to the northwest for 'communal allotment gardens' is not shaded in the submitted diagram.

### Noise Assessment

- 10.8.15. An Inward Noise Assessment has been submitted with the application, which includes an assessment of the existing baseline noise environment, on the basis of which a noise model was developed. Observer submissions question the date of the survey work and validity of data on which it is based. I have reviewed the submitted methodology and timing of the survey work. I am satisfied that the data submitted is robust and the timing of the survey work, which was undertaken pre-Covid 19 restrictions, accurately depicts the typical noise environment. Due consideration of all appropriate guidelines has been taken into account in the assessment. While the residents of Premier Square consider the removal of vegetation from the Finglas Road will add to the noise impacts, I note vegetation such as exists is not a significant noise barrier. I have considered the potential impacts of the proposed entrance on the residents of Premier Square in Section 10.7 above.
- 10.8.16. The development site is categorised as being of Medium to High Risk, therefore an acoustic design strategy has been compiled. For those rooms overlooking the Finglas Road, it is stated that it will be necessary to provide enhanced acoustic glazing and vents to ensure that when windows are closed the internal noise environment is good. I accept the noise mitigation measures proposed will provide for an adequate level of amenity for future occupants.

## Wind Assessment

10.8.17. A Wind Analysis and Pedestrian Comfort Report has been submitted with the application, which assesses the pedestrian comfort of balconies and open space, as measured against the Lawson Criteria. The majority of the site and all the balconies are deemed to be suitable for comfortable long term sitting as it the majority of the ground level. I consider the proposed design of the scheme will provide for an adequate level of amenity for future occupants.

### **10.9. Community Infrastructure Audit and Childcare Analysis**

10.9.1. A number of observer submissions raise concerns in relation to the adequacy of existing social infrastructure in the area and that the development will have an adverse impact in this regard. The applicant has submitted a Community Infrastructure Audit in support of the application which provides details of education and training, health facilities, sports and recreation amenities, social and community services, arts and culture, faith services, and childcare facilities, focussed on a 500m and 1000m radius. Whilst I note the assessment does not provide any detail on the capacity of existing facilities, including the schools, I consider that Finglas is a well established urban area with a wide range of existing community and social infrastructure services and the future population at this location will be well served in terms of proximity and access to community infrastructure. 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 Dublin City Council to identify and time the delivery of schools.

10.9.2. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. The submitted statement of consistency indicates that the proposed childcare facility will cater for 75 children. I note that Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments' states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be considered to contribute to a requirement for any childcare provision. I am satisfied with the location of the childcare facility on the site and I do not consider it will be

unduly impacted by road traffic noise (as per mitigation within the Noise Impact Assessment) and will not give rise to such a level of noise as to detract from the residential amenity of neighbouring residents in Premier Square or future occupants.

10.9.3. The development proposed will generate a requirement for 26 spaces, which is the scale of facility being proposed as part of the development, and is therefore in accordance with national guidelines.

#### **10.10. Traffic, Transportation and Access**

10.10.1. The application is accompanied by a Transport Assessment report, which includes a Traffic Impact Assessment, DMURS Statement of Consistency, and a Mobility Management Plan.

10.10.2. The existing road network, public transport routes and pedestrian/cycle facilities were described, and the existing traffic pattern was established. The TRICS database was used to establish people trip rates for the development and modal split was determined utilising census data. Three junctions were assessed, namely Finglas Road/The Griffith/Development Access; Finglas Road/Glenhill Road/Clearwater Shopping Centre Access; and Finglas Road/Criegie Court Access/Tolka Valley Road.

10.10.3. The findings of the transport impact assessment indicate the junctions will operated within capacity with the development in place. The development is predicted to have a <5% impact on the junctions to the north and south of the site, and the junction at the entrance to the development is predicted to operate within capacity with the development in place, with a maximum degree of saturation of 84.3% along the Finglas Road southbound approach in the AM, with a 77.3% degree of saturation on the northbound approach in the PM. I have reviewed the methodology and information submitted and am satisfied with the approach adopted in the Traffic Impact Assessment and am satisfied that the development as proposed can be accommodated in terms of vehicular traffic within the existing street network.

10.10.4. The site adjoins a public bus route and is served by the 40, 40b, 40d, 140, 220 and 220a, with peak hour services every 8-15mins for two of the routes. There are existing cycle paths and footpaths adjoining the site, with good links to other modes of transport, other than the private car.



10.10.5. In terms of planned improvements in the area, the site lies on a proposed core bus route corridor (CBC) of the BusConnects Project which routes along Finglas Road, with improvements to number of services and journey times proposed. The site has been designed to ensure amendments undertaken by this development will not impact the existing draft design of BusConnects. Broombridge is the nearest Luas station and is located 1.8km south-west of the site. While beyond 1000m from the site which is considered an accessible walking distance, it nonetheless provides for additional connections to the wider city area and is a short cycle trip from the site/20 minute walk. The NTA is also proposing a c.4km extension to the existing Luas Green Line from Broombridge to Finglas, the draft alignment of which proposes a stop in Finglas Village, approximately 10 minute walk from the development site. Improvements to the cycle network are envisaged as part of the Cycle Network Plan for the Greater Dublin Area with the Finglas Road identified as a primary route from Finglas Village to the city.

10.10.6. A large number of observer submissions have raised concerns in relation to the ability of the public transport system to accommodate the proposed development at a location which is some distance from the city centre, and in relation to the poor cycling infrastructure in the area. Concerns are also raised in relation to existing and significant traffic congestion in the area.

10.10.7. I note the report from the Transportation Planning Division, accompanying the CE Report, raises no objection in relation to the quantum of development, capacity of public transport, or capacity of the road network as it exists. The division welcomes measures proposed to provide alternative sustainable modes of transport to supplement the existing public transport in the area, as supported in the submitted Mobility Management Plan.

10.10.8. I note the concerns raised by observers regarding traffic congestion however I consider peak time congestion to be a characteristic of urban areas and should not in itself be a reason to prohibit further development. The submitted Traffic Assessment indicates the junctions in the vicinity of the site will operate within capacity with the development in place. The development site as stated is located adjoining the route of existing high frequency bus services and adjoins a cyclepath, which connects into wider infrastructure and paths, which will assist in promoting the use of more sustainable and active modes of transport. While there is scope for the

cycle network to be improved, there is nonetheless a network in place. While I acknowledge that there will be some increase in traffic movements as a result of the proposed development if permitted, I am overall satisfied that having regard to the existing context of the site within walking distance of shopping facilities and services at Clearwater and Finglas Village as well as open space amenity areas, and having regard to the overall street network for cyclists and pedestrians, the proposed development is of a scale that can be accommodated within the existing city street network and I do not consider the proposal would give rise to an unacceptable risk in terms of traffic safety or be seriously injurious to the residential amenity of those in the immediate area of the site.

#### Car and Cycle Parking

- 10.10.9. 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’.
- 10.10.10. The Dublin City Development Plan for Zone 3 allows for a maximum of 1.5 no. parking spaces to be provided per residential unit, which would equate to 127 no. car parking spaces. The proposed development provides for 99no. total car parking spaces at surface and undercroft level in a mix of 94no. general car parking spaces and 5no. disabled access parking spaces. The proposed car parking ratio is 0.4 space per residential unit. While some submissions raise a concern that the level of parking proposed is a material contravention of the development plan, I note that standards indicated are maximums and that no contravention arises in this instance. I am satisfied given the site’s location, existing public transport and connections to Dublin City Centre, as well as proximity to local services and amenities, that the level of parking as proposed is acceptable, subject to a condition in relation to car management on the site. I note a Mobility Management Plan has been submitted to support sustainable transport modes and there are provisions for 4 no. car sharing spaces. Additional planned improvements to the public transport network of the Luas Green Line Finglas Extension and BusConnects projects will all further contribute to

the accessibility of this site. The CE Report considers the car parking provision acceptable.

10.10.11. 271 no. bicycle parking spaces (231 for residents and 40 for visitors) and 1 no. motorcycle space are proposed as part of the development, with spaces located within the undercroft area and externally within bike stores and visitor spaces provided in 20 no. sheffield stands. In terms of quantum of cycle spaces required, the Apartment 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 307 spaces are required for the apartments and 96 for visitors, equating to a total of 403. The development proposes 271 spaces, which is a shortfall of 132 spaces. The CE Report states in the context of both the city development plan standards and the Apartment guidelines, they are satisfied with the level of cycle parking proposed. Overall, I consider the scale of cycle parking proposed adequate having regard to their design and location.

10.10.12. Concerns have been raised by some observers regarding potential overspill car parking to the adjacent Glenhill Estate. I am satisfied that the level of parking proposed, together with a car parking management plan, will adequately manage parking demand as part of the proposed development and that overspill parking is unlikely to arise. Suitable alternative transport options of walking and cycling are available and are encouraged by virtue of the location of the scheme and it's proximity to a high frequency peak bus service. I consider that should overspill parking arise, this is a traffic management issue which could be appropriately and quickly addressed by the planning authority/an Garda Siochána. I note the vehicular gateway onto Glenhill Road is only to provide occasional access for ESB maintenance personnel.

#### Construction Traffic

10.10.13. I note the concerns raised by some parties regarding construction stage impacts. 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 submitted an Outline Construction Management Plan, which includes the management of traffic during the construction phase and a detailed vibration, noise and dust monitoring regime is to put in place for the duration of the works protect neighbours and neighbouring properties. Mitigation measures are set out in relation to traffic management, noise and vibration, air quality and dust control and construction working hours. The implementation of these mitigation measures will further reduce any adverse amenity impacts during the construction phase.

10.10.14. Concerns are also raised in submissions in relation to overall air quality as a result of increased traffic. Given the predicted level of traffic increase during the operational phase is low, the impacts to air quality and climate will not be significant. The proposed development is furthermore required to comply with building regulations in relation to energy efficiency, and an Energy Statement Report has been undertaken setting out thermal performance and energy saving measures.

#### **10.11. Infrastructural Services including Flooding Issues**

##### Water and Wastewater

10.11.1. It is proposed to connect the development to the public water network in the area.

10.11.2. The foul sewerage will discharge from each apartment block to the proposed foul sewer network within the site and then discharge to an existing 225 mm diameter foul sewer pipeline on Premier Square, which is connected into the public foul sewer in the Finglas Road, which itself discharges into the Tolka Valley Trench Sewer, from where it discharges to the Ringsend WWTP. It is stated that there is an existing legal agreement allowing the proposed development to connect into the Premier Square foul sewer network. The existing pipelines are stated to have capacity.

10.11.3. Irish Water in the submitted report on this application states a Statement of Design Acceptance has issued. It notes that the wastewater connection is proposed to connect to Irish Water infrastructure through third party infrastructure and consents must be in place prior to a connection agreement with Irish Water. The

applicant states they have a legal agreement in place in relation to the connection to third party infrastructure.

#### Surface Water Management

10.11.4. Surface water is proposed to connect into the existing surface water network, with a new and divert on site surface water pipe connecting to an existing culvert on the west side of the Finglas Road.

10.11.5. In terms of surface water management, a SUDS strategy is proposed, with stage 1 treatment comprising green roofs, permeable paving to car parking spaces and access road, infiltration planters to manage run off from parts of the roof areas and from hardstanding areas to northwest of Block 3 and from footpaths across the site, a bioretention dry swale west of Block 2, in addition to green roofs on the proposed bike and bin store rooms from Block 1. Stage 2 of the surface water treatment approach comprises attenuation storage via three stormtech attenuation storage systems (two to the west side of the development and one to the east) and outlet flow control in the form of a hydrobrake. The south-eastern part of the site, draining the entrance and a small number of carparking spaces, is served by a bio retention area that provides adequate infiltration to ground, eliminating the need for a gravity outfall from this part of the site.

#### Flood Risk

10.11.6. Submissions received raise concerns in relation to a history of flooding on the site and within the surrounding area. I have reviewed the information submitted and all observer submissions, in addition to the reports submitted with the application and from the planning authority. The planning authority has not raised any objections in relation to flooding issues.

10.11.7. No watercourses exist on the site. It is noted that historically The Finglas Stream/Bachelors Stream traversed the site, however, it was in the past diverted to the western side of the Finglas Road in a culvert. This stream is for the most part culverted and is not identified as flood risk A or B.

10.11.8. The applicant submitted a Flood Risk Assessment as part of the planning application and this asserts that the site is at no risk of coastal, fluvial, or ground

water flooding based on information available, including mapping. The site is indicated to be at risk of pluvial flooding.

10.11.9. While the submitted Engineer's Services Report notes that there is no public record of flooding on this site, it is acknowledged that a flooding incident was witnessed by local residents on the site in October 2011. The submitted assessment, based on an engineering analysis of the site, considers the most likely source of this flood incident was the emergence of flows from an inadequate and undersized repair on the existing surface water sewer in the past. As part of works associated with the proposed development, it is proposed to divert and enlarge this public sewer, which is considered will eliminate the constriction created by the inadequate repair and remove the source of this previous flooding event from the site. The planning authority has raised no concerns in relation to this approach and I am satisfied that the assessment and solution proposed is robust and will ensure no flood risk to neighbouring properties or future occupants.

10.11.10. The diversion and upgrade of the existing public surface water sewer will address the risk of pluvial flooding on the site. The proposed levels of the future development are lower than the existing ground levels and therefore provide an overland flood flow path away from the Premier Square Apartments towards the Finglas Road. The flood risk assessment highlights the various design features that would ensure that the development poses negligible flood risk to the development, including the location of entrances to the blocks from the eastern part of the site. I am satisfied that the development would be at low risk of flooding and it would not increase the risk of flooding to other lands. It is stated that in the event of overland flow from higher ground in a pluvial flood event, the proposed site levels are such that any overland flood flows will be directed away from the ground floor accommodation in the individual blocks and towards the SUDS features on the Finglas Road boundary, and in addition the gradient of the Finglas Road at 1:40 means that the probability of ponding occurring on the road in the event of a culvert blockage or exceedance event is remote. Any flood waters emerging from the Finglas Stream culvert in the vicinity of the site would flow southwards along the road and not enter the development site

10.11.11. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' the site is within an area of low

probability for flooding (Flood Zone C), therefore the proposed development is classified 'less vulnerable' and is appropriate for the site.

10.11.12. Overall, I am satisfied the applicant has adequately addressed the issue of flood risk in the submitted Site Specific Flood Risk Assessment, including the potential for pluvial flood risk, and proposes a surface water management strategy which indicates the proposed development will manage surface water from the site to the greenfield run off rate as per the GSDSDS and will not impact on neighbouring sites. Should the Board be minded to grant permission, I recommend a condition apply requiring a Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where required, at the developer's expense and a Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the developer's expense.

#### **10.12. Material Contravention – Building Height, Dwelling Mix, and Site Coverage**

10.12.1. The applicant has submitted a document titled 'Material Contravention Statement' (see section 5.5 above for a summary). This statement has been advertised in accordance with Section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.12.2. The applicant considers the development as proposed may be considered to materially contravene the Dublin City Development Plan 2016-2022 in respect of building height, dwelling mix and site coverage.

10.12.3. The Dublin City Development Plan 2016-2022 states under Section 16.7 that building height allowable at this location is a maximum of 16m. The proposed development allows for a maximum height of 20.1 to parapet level (21.3m including roof top equipment) and therefore I consider that it materially contravenes the development plan in terms of height.

10.12.4. With regard to unit mix, Section 16.10 of the Dublin City Development Plan 2016-2022 states apartment developments >15 units shall contain a minimum of 15% 3 + bed units. The proposed development does not meet the minimum requirement for 3 bed units and therefore may be considered to materially contravene the development plan in this matter. I would recommend a precautionary

approach in this regard, which I have considered further in section 10.12.10 hereunder.

10.12.5. Site coverage on the site is stated to be c. 25%, which falls below the indicative range recommended in the Development Plan (45-60%), I note the development plan states the percentage site coverage recommended as being indicative and site coverage is a control for the purpose of preventing the adverse effects of over-development, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. I do not consider a lower site coverage to be a material contravention of the development plan and a site specific assessment has been submitted in relation to daylight and sunlight which allows for a full assessment based on site specific criteria.

10.12.6. Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

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

10.12.7. Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act (as amended), and based on the assessment above in relation to height, unit mix, and site coverage, I consider that a grant of permission, that may be



considered to materially contravene the Development Plan, would be justified in this instance under sub sections (i) and (iii) of the Act as examined hereunder.

- 10.12.8. With regard to S37(2)(b)(i), the development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application site has the potential to contribute to the city's delivery of compact urban growth and to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.
- 10.12.9. In relation to the matter of conflicting objectives in the development plan, S37(2)(b)(ii), I have reviewed the plan and there are no conflicting objectives within the Dublin City Development Plan 2016-2022, insofar as the proposed development is concerned. The Development Plan is clear in terms of building heights and unit mix.
- 10.12.10. With regard to S.37(2)(b)(iii), I consider the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35. I have considered the proposed development against the Urban Development and Building Height Guidelines – Guidelines for Planning Authorities 2018. The guidelines state that implementation of the National Planning Framework requires increased density, scale and height and requires more focus on reusing brownfield sites and building up urban infill sites, and of relevance those which may not have been built on before. I note SPPR3 of the guidelines, which references building heights. I have furthermore considered the proposed development against the Sustainable Urban Housing: Design Standards for New Apartments 2020, which cautions development plans including limits/requirements in relation to unit mix in apartment schemes and supports instead a nationally determined apartment mix parameter as a broad and consistent but flexible safeguard, as outlined in SPPR1 of the guidelines, which states '...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)...'. I am satisfied that the proposal can be granted in relation to the height with respect to section 37(2)(b)(iii) of the Planning and Development Act

2000 (as amended), having regard to the NPF and the Urban Development and Building Height Guidelines 2018, and in relation to dwelling mix having regard to the Sustainable Urban Housing: Design Standards for New Apartments 2020, both of which were published under Section 28 of the P&D Act (as amended).

10.12.11. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I note high density apartment schemes proximate to the site were permitted under the previous development plan, therefore Section 37(2)(b)(iv) does not apply.

10.12.12. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan policies pertaining to building height and dwelling mix, I consider that the provisions of Section 37(2)(b)(i) and (iii) have been met, and in this regard I consider that the Board can grant permission for the proposal.

### 10.13. **Other Matters**

#### Archaeology

10.13.1. An Archaeological Impact Assessment has been submitted with the application, which indicates the site is of low-negligible archaeological potential. The site is 470m outside the zone of archaeological potential of Finglas. It is further stated that the quarrying activity at the site in the 19<sup>th</sup> century significantly reduces the potential to reveal intact archaeological remains.

#### Public Consultation and SHD Process

10.13.2. I note the submissions received in relation of a lack of pre-application consultation with local residents. 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.

#### Planning History

10.13.3. Some of submissions received raise the matter of previous refusals/previous JR of planning permission on this site. I note that each application is assessed on its own merits. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

#### Covid 19

10.13.4. Concern is raised in submissions that high density development makes social distancing impossible during a pandemic. In this regard, it is noted that An Bord Pleanála is not a public health authority and that there is currently no policy restriction on the development or operation of apartment schemes due to the pandemic. It is inappropriate in my opinion that strategic land use policy would be dictated by the occurrence of a pandemic which is likely to have relatively short-term public health ramifications.

#### Property Value

10.13.5. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion 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.

#### Description of Development and Statutory Notices

10.13.6. In terms of procedural matters and the alleged irregularities in terms of the description of development, I am satisfied that this did not prevent the concerned parties from making representations and did not impede my assessment.

#### Waste and Litter

10.13.7. I note the matters raised in relation to the potential for asbestos and waste management. I note a Construction and Demolition Waste Management Plan has been submitted which addresses issues raised. I note in addition these matters are subject to other legal codes.

## **11.0 Screening for Appropriate Assessment**

### **11.1. 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.

### **11.2. Background on the Application**

11.2.1. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application, dated 28<sup>th</sup> June 2021.

11.2.2. 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.

11.2.3. The screening is supported by associated reports submitted with the application, including:

- Sub-Terranean Structures Report
- Hydrological and Hydrogeological Risk Assessment
- Engineers Services Report,
- Outline Construction Management Plan,
- Construction and Demolition Waste Management Plan.

11.2.4. The AA Screening Report submitted with the application concluded that:

The potential impacts associated with the proposed development do not have the potential to affect the receiving environment and, consequently, do not have the potential to affect the conservation objectives supporting the qualifying interest/special conservation interests of any European sites. Therefore, on the basis of objective information, the proposed development, individually or in combination with other plans or projects, is not likely to have significant effects on any European sites.

As the proposed development itself will not have any effects on the QIs/SCIs or conservation objectives of any European sites, and taking into account the policies and objectives of the statutory plans referred to above, it is concluded that there is no potential for any other plan or project to act in combination with it to result insignificant effects on any European sites.

The potential impacts of the proposed development on the receiving environment, their ZOI, and the European sites at risk of likely significant effects are summarised in Table 1 below. In assessing the potential for the

proposed development to result in a significant effect on any European sites, any measures intended to avoid or reduce the harmful effects of the project on European sites are not taken into account.

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

- 11.3.1. 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.
- 11.3.2. 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).

#### **Brief Description of the Development**

- 11.3.3. The development site/overview of the receiving environment is described in the submitted screening report. I refer the Board also to section 3 of this report above. The site is 1.23 site ha net within the urban area of Finglas. The proposed development is for 191 no. apartments in three 6 storey blocks. A creche and residential amenity area are proposed on part of the ground floor of Block 1. The site comprises a brownfield site, with part of the site covered in a hardstanding area.
- 11.3.4. 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.
- 11.3.5. The Screening report and Ecological Impact Assessment note that there is one species growing on the lands which is listed as alien invasive species under Schedule 3 of S.I. 477 of 2011, Spanish Bluebell. 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 local biodiversity value with one small area of trees of high local value. The habitats on the lands are not considered suitable for feeding or roosting birds associated with coastal SPAs. A bat survey was undertaken, where three bat species were

encountered, none of which are part of/linked to a European site. There are no water courses, bodies of open water or habitats which could be considered wetlands.

'Bachelor's stream' or 'Finglas Stream' appears to have flowed through the proposed development site, however, an investigation found that this stream was culverted and relocated off the site to the western side of Finglas Road.

11.3.6. Surface water drainage from the proposed development will discharge into the existing Finglas Road culvert to Bachelors Stream, which is located on the western side of Finglas Road and discharges into the Tolka River. The River Tolka is located approximately 525m south of the proposed development site and discharges to Dublin Bay c. 4.9km downstream. As part of the surface water management system, it is proposed to install SUDS measures, including green roofs, bio-retention tree piles/planters, filter drains, permeable paving and a swale adjacent to the attenuation tank and petrol interceptors. 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. The submitted Screening Report states that the SUDS strategy for the site has not been considered in the assessment.

11.3.7. Wastewater is proposed to discharge to existing foul sewers, which will then carry the foul water to the Ringsend wastewater treatment plant, prior to discharge into the Liffey Estuary/Dublin Bay.

11.3.8. 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
- Operational related – increase of wastewater to Ringsend Waste Water Treatment Plant

### **Submissions and Observations**

11.3.9. The submissions and observations from the Local Authority, Prescribed Bodies, and Observers are summarised in sections 7, 8 and 9 of this report.

11.3.10. I note a submission from the IFI which states Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. Also, a High Court judge has recently ruled planning permission must be quashed for a proposed €500 million wastewater treatment plant at Clonshaugh, intended by Irish Water to supplement the Ringsend waste water treatment plant. The IFI submission states it is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

**European Sites**

11.3.11. 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 and listed below.

11.3.12. It is noted that the foul sewer and surface water networks provide for indirect hydrological links to Dublin Bay.

11.3.13. 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:

<b>European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)</b>	<b>Location</b>
South Dublin Bay SAC [000210]  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.  QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising	c.7.4km to the south east

<p>mud and sand [1310] / Embryonic shifting dunes [2110].</p> <p>Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</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 (<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>Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht</p>	<p>c.7.7km to the south east</p>
<p>Baldoyle Bay SAC [000199] [1140]</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>c.10.2km east</p>



<p>QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonizing mud and sand [1330] Atlantic salt meadows (Glauco- Puccinellietalia maritima) [1410] Mediterranean salt meadows (Juncetalia maritimi)</p> <p>NPWS (2012) Conservation Objectives: Baldoye Bay SAC 000199. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht</p>	
<p>Malahide Estuary SAC [000205] [1140]</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 [1310] Salicornia and other annuals colonising mud and sand [1320] Spartina swards (Spartinion maritima) [1330] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1410] Mediterranean salt meadows (Juncetalia maritimi) [2120] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) NPWS (2013) Conservation Objectives: Malahide Estuary SAC 000205. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	c.10.7km north-east
<p>Howth Head SAC [000202] [1230]</p>	c.12.9km east

<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: Vegetated sea cliffs of the Atlantic and Baltic coasts [4030] European dry heaths NPWS (2016)</p> <p>Conservation Objectives: Howth Head SAC 000202. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	
<p>Rye Water Valley/ Carton SAC [001398]</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: [7220] Petrifying springs with tufa formation (Cratoneurion)* [1014] Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1016] Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i></p> <p>NPWS (2018) Conservation objectives for Rye Water Valley/Carton SAC [001398]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht</p>	<p>c.13.2km west</p>
<p>Rockabill to Dalkey Island SAC</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: [003000] [1170] Reefs [1351] Harbour porpoise <i>Phocoena phocoena</i></p>	<p>c.13.5km east</p>

<p>NPWS (2013) Conservation Objectives: Rockabill to Dalkey Island SAC 003000. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Rogerstown Estuary SAC [000208]</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: [1130] Estuaries</p> <p>[1140] Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1410] Mediterranean salt meadows (Juncetalia maritimi) [2120] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes) NPWS (2013) Conservation Objectives: Rogerstown Estuary SAC 000208. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c.14.3km north-east</p>
<p>Glenasmole Valley SAC [001209]</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: [6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia)</p>	<p>c.14.6km south</p>

<p>(* important orchid sites) [6410] <i>Molinia</i> meadows on calcareous, peaty or clayey-siltladen soils (<i>Molinion caeruleae</i>) [7220] Petrifying springs with tufa formation (Cratoneurion) NPWS (2018) Conservation objectives for Glenasmole Valley SAC [001209]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.</p>	
<p>Ireland's Eye SAC [002193]</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: [1220] Perennial vegetation of stony banks [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts NPWS (2017) Conservation Objectives: Ireland's Eye SAC 002193. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>c.14.9km east</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</p>	<p>c.7.6km east</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>Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</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 (<i>Haematopus ostralegus</i>) [A130] / Ringed Plover (<i>Charadrius hiaticula</i>) [A137] / Grey Plover (<i>Pluvialis squatarola</i>) [A141] / Knot (<i>Calidris canutus</i>) [A143] / Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149] / Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] / Redshank (<i>Tringa totanus</i>) [A162] / Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] / Roseate Tern (<i>Sterna dougallii</i>) [A192] / Common Tern (<i>Sterna hirundo</i>) [A193] / Arctic Tern (<i>Sterna paradisaea</i>) [A194] / Wetland and Waterbirds [A999].</p> <p>Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife</p>	<p>c.4.8km south east</p>

<p>Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Baldoyle Bay SPA [004016]</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: [A046] Light-bellied Brent Goose  <i>Branta bernicla hrota</i> [A048] Shelduck  <i>Tadorna tadorna</i> [A137] Ringed Plover  <i>Charadrius hiaticula</i> [A140] Golden Plover  <i>Pluvialis apricaria</i> [A141] Grey Plover  <i>Pluvialis squatarola</i> [A157] Bar-tailed Godwit  <i>Limosa lapponica</i> [A999] Wetland and Waterbirds</p> <p>NPWS (2013) Conservation Objectives: Baldoyle Bay SPA 004016. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c.10.6km northeast</p>
<p>Malahide Estuary SPA [004025]</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: [A005] Great Crested Grebe  <i>Podiceps cristatus</i> [A046] Light-bellied Brent Goose  <i>Branta bernicla hrota</i> [A048] Shelduck  <i>Tadorna tadorna</i> [A054] Pintail  <i>Anas acuta</i> [A067] Goldeneye  <i>Bucephala clangula</i> [A069] Red-breasted Merganser  <i>Mergus serrator</i> [A130] Oystercatcher  <i>Haematopus ostralegus</i> [A140] Golden Plover  <i>Pluvialis apricaria</i> [A141] Grey</p>	<p>c.10.7km north-east</p>

<p>Plover <i>Pluvialis squatarola</i> [A143] Knot  <i>Calidris canutus</i> [A149] Dunlin <i>Calidris alpina</i> [A156] Black-tailed Godwit <i>Limosa limosa</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A162] Redshank <i>Tringa totanus</i> [A999] Wetland and Waterbirds</p> <p>NPWS (2013) Conservation Objectives: Malahide Estuary SPA 004025. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Wicklow Mountains SPA [004040]</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: [A098] Merlin <i>Falco columbarius</i> [A103] Peregrine <i>Falco peregrinus</i></p> <p>NPWS (2018) Conservation objectives for Wicklow Mountains SPA [004040]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.</p>	c.10.7 km south
<p>Ireland's Eye SPA [004117]</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: A017 Cormorant <i>Phalacrocorax carbo</i> A184 Herring Gull <i>Larus argentatus</i> A188 Kittiwake <i>Rissa tridactyla</i> A199 Guillemot <i>Uria aalge</i> A200 Razorbill <i>Alca torda</i></p>	14.7km east

<p>NPWS (2018) Conservation objectives for Ireland's Eye SPA [004117]. Generic Version 6.0. Department of Culture, Heritage and the Gaeltacht.</p>	
<p>Rogerstown Estuary SPA [004015]</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: A043 Greylag Goose <i>Anser anser</i>  A046 Brent Goose <i>Branta bernicla hrota</i>  A048 Shelduck <i>Tadorna tadorna</i> A056 Shoveler <i>Anas clypeata</i> A130 Oystercatcher <i>Haematopus ostralegus</i>  A137 Ringed Plover <i>Charadrius hiaticula</i>  A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A149 Dunlin <i>Calidris alpina alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A162 Redshank <i>Tringa totanus</i> A999 Wetlands</p> <p>NPWS (2013) Conservation Objectives: Rogerstown Estuary SPA 004015. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c.14.8km northeast</p>
<p>Howth Head Coast SPA [004113]</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: [A188] Kittiwake (<i>Rissa tridactyla</i>)  NPWS (2018) Conservation objectives for Howth Head Coast SPA [004113]. Generic</p>	<p>c.15.6km east</p>



### Factors Likely to Give Rise to Potential Impacts

- 11.3.14. Habitat loss/fragmentation: 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 (see table above).
- 11.3.15. Habitat disturbance/species disturbance: With regard to direct impacts of habitat loss and disturbance, the application site is not located adjacent or within a European site. Given the scale of works involved, the nature of the existing urbanised environment and distances involved to European sites, habitat disturbance is unlikely to occur. With regard to indirect impacts, the area around the proposed development is suburban in style and the lands themselves are not suitable for ex-situ feeding or roosting of wetland birds. The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance during construction and operation.
- 11.3.16. Habitat degradation as a result of hydrological impact: There is no direct open-water pathway from the site to Dublin Bay. However, there is an indirect link via the existing surface water network and foul water drainage network, which ultimately discharge to Dublin Bay.
- 11.3.17. I note the surface water from the site will discharge to the Finglas Road culvert proximate to the site, which will then discharge to Bachelors Stream and on to the Tolka River. The River Tolka is located approximately 525m south of the proposed development site and discharges to Dublin Bay a further c. 4.9km downstream. Any potential pollutants or sediment arising from surface waters on site will not impact the overall water quality status of Dublin Bay and there is no possibility of the proposed development impacting the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay, given the distance involved from the site to Dublin Bay, the volume of water relative to the volume of potential pollutants/sediment from any

surface water, and given the level of mixing, dilution and dispersion of any surface water run-off/discharges in the receiving watercourses, Dublin Bay and the Irish Sea. While a SUDS strategy is proposed for the development, I note this is not required or related to the protection of any European Sites.

11.3.18. With regard to wastewater and concerns raised by the IFI, Irish Water indicates that the Ringsend WWTP plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. Despite the capacity issues, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status and the Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. I note Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. The peak effluent discharge from the proposed development is calculated as 6.218 litres/sec, which would equate to 0.056% of the licensed discharge at Ringsend WWTP (peak hydraulic capacity). I consider this level of discharge insignificant given the overall scale of the facility and would not alter the effluent released from the WwTP to such an extent as to have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). 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 and governing development plans are subject to regional policy objectives and SEA as well as their local objectives in relation to the protection of European sites and water quality in Dublin Bay.

11.3.19. Habitat degradation as a result of hydrogeological impacts: The construction activities, including the activity of sheet piling, will not have a significant impact on

the groundwater regime. The proposed development lies within the Dublin Groundwater Body (Dublin GWB). The only European site within the Dublin GWB that is designated for groundwater dependant habitats and/or species is the Rye Water Valley/Cartron SAC. As the proposed development lies down gradient of the Rye Water Valley/Cartron SAC, it cannot influence groundwater conditions in the European site, therefore, there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of any European sites, either alone or in combination with any other plans or projects, as a result of hydrogeological effects.

- 11.3.20. Habitat degradation as a result of introducing/spreading non-native invasive species: There are no open water courses on the site or adjoining the site which would facilitate the spread of invasive species to downstream European sites and the development site is a distance of 4.9km from the nearest European site. Given the lack of an open surface water pathway and given the distance from a European site, there is no risk to the conservation objectives of any European sites being affected as a result of the introduction of non-native invasive species.

#### Conclusion

- 11.3.21. 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), 0206 (North Dublin Bay SAC), 000199 (Baldoyle Bay SAC), 000205 (Malahide Estuary SAC), 000202 (Howth Head SAC), 001398 (Rye Water Valley/Cartron SAC), 003000 (Rockabill to Dalkey Island SAC), 000208 (Rogerstown Estuary SAC), 001209 (Glenmasole Valley SAC), 002193 (Irelands Eye SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA), 4006 (North Bull Island SPA), 004016 (Baldoyle Bay SPA), 004025 (Malahide Estuary SPA), 004040 (Wicklow Mountains SPA), 004117 (Irelands Eye SPA), 004015 (Rogerstown Estuary SPA), 004113 (Howth Head Coast SPA) and or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

## 12.0 Environmental Impact Assessment Screening

- 12.1. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- (i) Construction of more than 500 dwelling units
  - (iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 12.2. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.
- 12.3. The development provides for 191 residential units and a creche on a site with an area of 1.25 ha. The site is located within the area of Dublin City Council and is a suburban built up area. The proposed development is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).
- 12.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Statement which includes the information required under Schedule 7A to the planning regulations. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 12.5. I have assessed the proposed development having regard to the information above, to the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment and landscape details and I have completed a screening assessment as set out in Appendix A.

12.6. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential and creche uses proposed would be similar to predominant land uses in the area. The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The former use of the site is noted and potential for contaminated material to be encountered during demolition and excavation, with the potential for impacts on the environment with regard to land and soils, has been considered and assessed in the submitted Construction and Demolition Management Plan (C&DMP), and will not give rise significant environmental impacts. The development is served by municipal drainage and water supply, upon which its effects would be marginal. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

12.7. The various reports submitted with the application, as listed in section 3.4 of this report above, address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have considered all submissions on file, and I have considered all information which accompanied the application including inter alia:

- CGI and Verified Views and Landscape and Visual Impact Assessment;
- Archaeological Impact Assessment Report;
- Engineer's Services Report, including Flood Risk Assessment;
- Transport Assessment;
- Daylight and Sunlight Report;
- Appropriate Assessment Screening Report, and Ecological Impact Assessment Report;

- Hydrological and Hydrogeological Risk Assessment;
- Energy Analysis Report;
- Sub-Terranean Structures Report;
- Construction and Demolition Waste Management Plan;
- Outline Construction Management Plan;
- Inward Noise Assessment;
- Operational Waste Management Plan;
- Site Lighting Report;
- Wind Analysis and Pedestrian Comfort Report

12.7.1. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I refer the Board to the submitted document 'Relevant Assessment Regulation 299B Statement'. An AA Screening Report and EclA have been submitted which have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). The Hydrological & Hydrogeological Qualitative Risk Assessment has been informed by the water quality status as defined by the monitoring program and assessment undertaken by the EPA pursuant to the obligations to the Water Framework Directive (Directive 2000/60/EC). A Site-Specific Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study was undertaken in response to the EU Floods Directive (Directive 2007/60/EC). The SEA Directive (2001/42/EC) is implemented in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436/ 2004), as amended. Dublin City Council as part of the Dublin City Development Plan (2016-2022) undertook a Strategic Environmental Assessment (SEA) of the plan. The potential residual effects in respect of Water Quality, and Flooding that have been identified in the SEA have informed the Hydrological & Hydrogeological Qualitative

Risk Assessment (AWN, 2021) and the Site-Specific Flood Risk Assessment for the proposed development. Furthermore, an Outline Construction and Demolition Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011 and An Energy Analysis Report has been submitted, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings. I have taken the above documents into account in the screening determination.

12.8. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

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

### **13.0 Recommendation**

I recommend that permission is granted, subject to conditions.

### **14.0 Reasons and Considerations**

Having regard to the following:

(a) the policies and objectives set out in the Dublin City Development Plan 2016-2022

(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, 2020
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- (i) Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, (issued by the Dept. of Environment, Housing & Local Government, 1996
- (j) the nature, scale and design of the proposed development
- (k) the availability in the area of a wide range of social, community and transport infrastructure
- (l) the pattern of existing and permitted development in the area
- (m) the planning history within the area
- (n) the submissions and observations received,
- (o) the report of the Chief Executive of Dublin City Council

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this suburban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.



## 15.0 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 1<sup>st</sup> day of July 2021 by Stephen Little and Associates, acting on behalf of Ruirside Developments Ltd.

### **Proposed Development comprises of the following:**

191no. apartments accommodated in 3no. buildings ranging in height from 5 to 6 storeys. 20no. of the apartments are 3-bedroom, 76no. of the apartments are 2-bedroom, 57no. are 1-bedroom and 38no. are studios. Block no. 1 is 6 storeys in height and will comprise 68no. apartments, together with childcare facility (c. 212 sqm) and associated outdoor play area, residential management and amenity area (c. 120 sqm), plant rooms, meter room which are all located at ground floor level. Block no. 2 comprises two elements that are 5 and 6 storeys high respectively and will comprise 64no. apartments, together with an undercroft level providing car and bicycle parking, plant rooms, a sub-station and bin stores which are all located at ground floor level. Block no. 3 is 6 storeys in height and will comprise 59no. apartments, together with an undercroft level providing car and bicycle parking, bin stores, plant rooms, a sub-station and storage rooms which are all located at ground floor level. All apartments are provided with balconies or outdoor private amenity areas. Photovoltaic panels, heat pump condensers, vents, lift overruns, and other ancillary equipment are provided on the roofs of the apartment buildings. An ancillary building containing bike and bin stores (c. 90.7 sqm) is located to the rear of the site. 99no. car parking spaces in total are provided at surface and undercroft levels combined to cater for residential, childcare (3no. spaces), visitor/drop-off and GoCar/Car Sharing (4 no. spaces). 1no. motorcycle parking space is provided at surface level. 271no. bicycle parking spaces are provided at surface and undercroft levels combined, consisting of 40no. external spaces at surface level and 231no. spaces in dedicated secure bike stores. Vehicular access is provided from the existing signalised junction on Finglas Road opposite Care Choice Nursing Home, with the entrance carriageway at this existing access to be narrowed to 9m, together with ancillary adjustments to the pavement and the signal locations and provision of a pedestrian crossing at this entrance to the site. New boundary treatment on

Finglas Road involving removal of existing wall and replacement with low wall with fence. Creation of 2no. new separate controlled pedestrian entrances to Finglas Road. Creation of a new gated entrance to the site from Glenhill Road to be used only for occasional ESB maintenance access. All ancillary site development and landscape works, including; boundary treatments, retaining walls, demolition of existing structures, removal of existing boundary wall to Finglas Road, communal allotments, site infrastructure, utilities, services and plant; internal road network including controlled vehicular and pedestrian access gates. The proposals include telecommunications equipment consisting of a total of 6no. pole mounted radio link dishes (each dish c. 0.3m in diameter) all located on lift overrun at roof level of Block 02 and with an overall height of c. 1m above the lift overrun. The dishes are enclosed by a total of 3no. radio friendly GRP shrouds. Public open space of c. 1,335 sqm is provided, including a new platform lift and ancillary steps.

## **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 Dublin City Development Plan 2016-2022
- (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, 2020
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- (i) Telecommunications Antenna and Support Structures – Guidelines for Planning Authorities, (issued by the Dept. of Environment, Housing & Local Government, 1996
- (j) the nature, scale and design of the proposed development
- (k) the availability in the area of a wide range of social, community and transport infrastructure
- (l) the pattern of existing and permitted development in the area
- (m) the planning history within the area
- (n) the submissions and observations received
- (o) the report of the Chief Executive of Dublin City Council, and
- (p) 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 screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) The location of the site on lands governed by zoning objective Z1, 'to protect, provide and improve residential amenities', in the Dublin City Development Plan 2016-2022,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(a)(v)(l) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan,

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

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this suburban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

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

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the plan with respect to building height limits and dwelling mix. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government’s policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.
- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, is in compliance with the Section 38 guidance Urban Development and Building Height Guidelines, in particular SPPR3, and in terms of dwelling mix is in compliance with the Section 38 guidance Sustainable Urban Housing Design Standards for New Apartments, in particular SPPR1.

## 16.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	<p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Prior to commencement of any works on site, revised details shall be submitted with regard to the following:</p> <ul style="list-style-type: none"> <li>(a) The 1.5m frosted screen panels to each of the upper floor balconies on the northeast facades of Blocks 1, 2 and 3 shall be omitted and the balconies finished with a standard glass balustrade.</li> <li>(b) Full details of privacy screens between balconies of the apartments.</li> <li>(c) Full details of proposed green roofs to the apartment buildings and to the bin/bike store.</li> <li>(d) The proposed public open space proposed along the northeastern boundary of the site shall be omitted from the scheme and the entire open space in this area shall be designated as communal open space.</li> <li>(e) The proposed gate to the pedestrian entrances between Blocks 1 and 2, between Blocks 2 and 3, and alongside the vehicular entrance gate shall be omitted and these access points shall remain open to the public.</li> </ul> <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><b>Reason:</b> In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
4.	<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><b>Reason:</b> To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
5.	<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, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The render finish to elevations of the development shall be replaced with an alternative durable, high quality material/finish.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>No additional development shall take place above roof parapet level of the apartment buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
7.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of urban legibility.</p>
8.	<p>Details of the proposed signage to the crèche to be submitted prior to occupation for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development of the area.</p>
9.	<p>The proposed childcare facility shall be provided and retained as part of the development with access provided to both residents of the development and the wider community on a first come first served basis.</p>



	<p><b>Reason:</b> In the interests of proper planning and sustainable development of the area.</p>
10.	<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><b>Reason:</b> In the interest of public safety and visual amenity.</p>
11.	<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><b>Reason:</b> In the interests of visual and residential amenity.</p>
12.	<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 of the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
13.	<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 &amp; 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</p>

	<p>reports shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
14.	<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, to existing traffic signals, and areas to be taken in charge. Provision for cyclists shall comply with latest National Cycle Manual and DMURS guidance.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
15.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, with the exception of the car share spaces, unless the subject of a separate grant of planning permission.</p> <p>(b) Prior to the occupation of the development, a Car and Cycle 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><b>Reason:</b> To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.</p>
16.	<p>Details of the bicycle parking design, marking demarcation, and security provisions shall be submitted for the written agreement of the planning authority prior to commencement.</p>

	<p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable development.</p>
17.	<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><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
18.	<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><b>Reason:</b> 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>

19.	<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><b>Reason:</b> In the interest of public health and surface water management.</p>
20.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
21.	<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, if any, in this regard shall be submitted to the planning authority for the written agreement prior to commencement of development.</p> <p><b>Reason:</b> In the interest of aviation safety.</p>
22.	<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><b>Reason:</b> In the interest of air navigation safety.</p>
23.	<p>A comprehensive revised boundary treatment and 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>

- (a) revised layout for the upper open space to the rear/northeastern boundary of the site omitting the gated fence between the identified public and communal open space;
- (b) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes to Glenhill Road and Finglas Road;
- (c) details of proposed boundary treatment to the childcare facility play area;
- (d) details of SuDS features as per the surface water management plan, including bio retention planters;
- (e) 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, and details of planting plan along the northeastern boundary to rear of existing dwellings on Glenhill Road;
- (f) details in relation to public furniture/benches;
- (g) details in relation to layout and design of informal play facilities and equipment and outdoor gym equipment;
- (h) detailed design of the communal allotments;
- (i) 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><b>Reason:</b> In the interest of amenity, ecology and sustainable development.</p>
24.	<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><b>Reason:</b> To secure the protection of the trees on the site.</p>
25.	<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><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
26.	<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</p>

	<p>accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
27.	<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> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
28.	<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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
29.	<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</p>

	<p>communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
30.	<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><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
31.	<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</p>



	<p>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><b>Reason:</b> 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>
32.	<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 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><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
33.	<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 section 16.3.4 of the Dublin City Development Plan 2016-2022 and in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The manner of payment and amount of payment shall be as agreed between the planning authority</p>

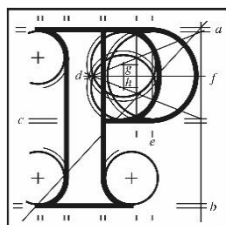
	<p>and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
34.	<p>The developer shall pay to the planning authority a financial contribution in respect 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 matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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>

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Una O'Neill  
Senior Planning Inspector

29<sup>th</sup> September 2021

## Appendix A: EIA Screening Form



An  
Bord  
Pleanála

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

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		ABP-310722-20
<b>Development Summary</b>		Construction of 191 no. residential units, a crèche and associated site works
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

<p><b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b></p>	<p><b>Yes</b></p>	<p>SEA undertaken in respect of the Dublin City Council Development Plan 2016-2022. Section also 12.7.1. of the planning report above.</p>
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<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>   <b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b>  <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p>	<p><b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises construction of residential units on lands zoned residential. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>

<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal includes construction of a residential estate which is not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>The proposed development is located on brownfield lands within the Dublin City area. Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>



<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site for 191 no. units will result in an increase in population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	This is a stand-alone development, with other residential developments in the immediately surrounding area on zoned lands. The development has been considered in terms of its context and will not give rise to any significant additional effects.	<b>No</b>
2. Location of proposed development			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b>  1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve	<b>No</b>	No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.	<b>No</b>

<p><b>4. Designated refuge for flora or fauna</b>  <b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></p>			
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>An Archaeological Assessment has been submitted with the application and the site is considered to be of low negligible archaeological potential. The design and layout of the scheme has considered all built environment, natural and cultural heritage issues and does not impact negatively on any built or known archaeological structures, with mitigation measures proposed in terms of archaeology.</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water and wastewater, however, no likely significant effects are anticipated.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to congestion is anticipated.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no existing sensitive land uses or substantial community use which could be affected by the project.</p>	<p>No</p>

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

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

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands governed by zoning objective Z1 'to protect, provide and improve residential amenities', in the Dublin City Development Plan 2016-2022,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) and Construction and Environmental Management Plan,

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

**Inspector:** \_\_\_\_\_ **Una O'Neill**

**Date:** \_\_\_\_\_ **29/09/2021**