



An
Bord
Pleanála

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

Inspector's Report ABP-310860-21

Strategic Housing Development

Construction of 1614 no. build-to-rent apartments and associated site works.

Location

Holy Cross College, Clonliffe Road,
Dublin 3 and Drumcondra Road
Lower, Drumcondra, Dublin 9
(www.holycrosscollegeshd.ie)

Planning Authority

Dublin City Council

Applicant

CWTC Multi Family ICAV

Prescribed Bodies

1. Irish Water
2. An Taisce-the National Trust for Ireland
3. An Comhairle Ealaíoin
4. Fáilte Ireland
5. Transport Infrastructure Ireland

6. Department of Housing, Local Government and Heritage (Built Heritage and Nature Conservation)
7. The Heritage Council
8. Inland Fisheries Ireland
9. Dublin County Childcare Committee

Observer(s)

120 submissions received

A. Forbes

Adrienne Curran

Aisling O Meara

Alan Eustace

Alan Walsh

An Taisce

Andrew Martin

Andrew P. Finn

Angela and Robert Shafer

Ann Marie O'Reilly

Aoife Cartwright

Aoife Flynn and Cillian O'Suilleabhain

Ballybough Pride of Place Group

Barbara Wilson

Barry O Driscoll

Bernadette Cunningham

Bernadette Flanagan and Etienne

Poisson

Brendan Wyle

Brian Fitzgerald

Brian Morrison

Carmel Dinan

Carmel Sherry

Ciaran Cuffe

Ciaran Lynam

Ciarán Lyng and Jack Eustace
Claire Cronin
Claire Moss
Clonliffe and Croke Park Area
Residents' Association
Colin O'Reilly
Colm Stephens and Bridgeen Kelly
Connell Molloy and Bernadette
McCabe
Cormac Brown
Cormac McKay
David Finnegan
David Higgins
Declan Hallissey
Department of Heritage
Dermot and Mary O'Brien
Des Keenan
Diarmait Grogan
Dirk Huttermann and Others
Donal Windrim
Donncha Crowley and Mai Ishikawa
Eanna O'Caollai
Eimear Gavin
Eleanor McGrath
Elizabeth Beckett
Emer O'Kelly
Eoin Fayne
Evelyn Cunningham
Fiona Dunne
Fiona MacGregor
Fionn and Sonja MacCumhaill
Fionuala Sherwin (Peter P. Gillett)
Frances Dockery

Frank Little
Frank McDonald
Geri Timmons
Gerry Doherty
Grainne and Tony Whittle
Griffith Avenue and Districts Residents
Association
Helen and Robert Sherlock
Howard Smith and Others
Inland Fisheries Ireland
Irish Waters
James Hargis
Jana Lyons
Jennifer Branigan
Joe Costello and Declan Meenagh
Kate O'Hea
Kate van der Merwe
Kathleen O'Leary
Kevin Tolan
Kim Griffin
Lara Sutton
Laura Parsons
Liam Coll
Lorraine Ryan
Maeve Ryan
Maire Beckett
Margaret Gaughran
Marianne Wims and Michael Fox
Marie Malone
Marie Sherlock
Mary Enright
Mary Fitzpatrick
Mary Lou McDonald

Mary Kate Jasper
Michael Kenny
Mountjoy Square Society
Moya Keaveny
Naomi Wogan
Natalie and David Faul
Neasa Hourigan
Nial Ring
National Transport Authority
Nuada Mac Eoin
Owen McKiernan
Patricia O'Byrne
Patrick O'Dea
Patrick Scully
Philippa Kidd
Renee Lambe
Richard O'Hanrahan
Richmond Road and Grace Park
Avenue Residents Association
Rob Curley and Alfonso Bonilla
Rory Hearne
Ruairi Purtill
Sabina O'Donnell
Sabrina Joyce-Kemper.
Save Tolka Park
Save Tolka Park Campaign
Shane McNally
Sinea Williams
Sinead Harrington
Stephen Hall
Steven Manning
Transport Infrastructure Ireland
Vincent Fox

William Winters

Date of Site Inspections

30th September 2021

04th October 2021

Inspector

Lorraine Dockery

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1.0 Introduction

- 1.1 This is an assessment of a proposed strategic housing development submitted to the An Bord Pleanála 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, which has a stated area of 8.9 hectares, is located approximately 1.7km to the north of Dublin City Centre and comprises the Holy Cross College and associated lands at Clonliffe Road, Drumcondra, Dublin 3. The site is bound by Drumcondra Road Lower, Mater Dei College and the Archbishops House (a Protected Structure) to the west, Clonliffe Road to the south, Cornmill Apartments and Belvedere College Rugby grounds to the east and by the Tolka River to the north.
- 2.2. The site forms part of a larger masterplan area of approximately 14.5 hectares.
- 2.3. There are a number of Protected Structures on the site including the Holy Cross Church, Seminary building and South Link building. The Red House, Protected Structure, is located along the boundary of the site, but not included within the overall scheme.
- 2.4. Two GAA pitches are located to the north of the site, adjoining the Tolka River. These pitches are included within the masterplan area, but not the application site. The Belvedere Rugby pitches are located to the north-east, outside both the master plan lands and the application site. The site is bound along the south and south-east by existing residential development. An apartment building, Corn Mill, is located to the east. A row of two-storey dwellings are located along the southern boundary.
- 2.5. The site is located approximately 400m from Drumcondra commuter railway station to the south-west, and is adjacent to the QBC on Drumcondra Road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises a build-to-rent residential development on a site of 8.9 hectares at Holy Cross College, Clonliffe

Road, Dublin 3 and Drumcondra Road Lower, Dublin 9. The proposed development will consist of the demolition of a number of existing office/former college buildings on site and the construction of 12 no. residential buildings, ranging in height from 2 - 18 storeys to accommodate 1,614 BTR apartments with associated tenant amenity space, 1 no. retail unit, 1 no. café, 1 no. crèche and associated site development works.

- 3.2. The development includes for a single level basement under Blocks B2, B3 & C1, a single level basement under Block D2 and a podium level and single level basement under Block A1.
- 3.3. The application proposes the renovation and extension of the Seminary building to accommodate residential units and the renovation of the existing Holy Cross Chapel and Assembly Hall buildings for use as residential tenant amenity.
- 3.4. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures of Overall Development

Site Area	8.9 hectares (7.74 ha developable area)
No. of residential units	1614 BTR apartments
Other Uses	Creche-627m ² Café-273m ² Retail- 329m ² Residential Amenity Space- 3463 m ²
Other Works	Renovation and extension of existing Protected Structures
Demolition Works	6,130m ²
Density	202 units/ha
Height	2-18 storeys (over basement/podium areas)
Plot Ratio	1.49
Site Coverage	23%
Dual Aspect	51% (stated)
Public Open Space Provision	20,410 m ² (25% of site)
Communal Open Space Provision	13,729 m ²

Part V	160 units in Block A2 and A3- 59 x studio; 43 x one-bed; 58 x two-bed
Parking	508 car spaces (includes for 20 car share spaces); 2507 bicycle spaces
Access	From a widened existing entrance on Clonliffe Road at the junction with Jones's Road, and through the opening up of an existing access point on Drumcondra Road Lower at the junction with Hollybank Road to act as a left in/left out access.

Table 2: Overall Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	540	603	418	53	1614
As % of total	33.5%	37.5%	26%	3%	100%

Table 3: Summary of Blocks

Block	Height*/ Uses
Block A1	4-8 storeys including setbacks (26.10m) 305 apartments
Block A2	7 storeys including setbacks (22.89m) 73 apartments
Block A3	8 storeys including setbacks (26.07) 87 apartments
Block A4	6-13 storeys including setbacks (43.67m) 104 apartments Childcare Facility Local Retail
Block B1	5-6 storeys with setback (22.68m) 92 apartments
Block B2	6-8 storeys with setback (25.73m)

	137 apartments
Block B3	5-6 storeys with setback (19.68m) 80 apartments
Block C1	6-8 storeys with setback (25.63m) 146 apartments
Block C2	5-7 storeys with setback (22.68m) 96 apartments
Block D1	18 storeys with setback (62.52m) 151 apartments Cafe
Block D2	4-8 storeys with setback (25.65m) 239 apartments
Seminary Building and South Link Building (Block E1 and E2)	2-4 storeys (existing height) with proposed 5 storey extension to rear of Seminary Building (21.46m) 104 apartments

* NOTED: Building heights indicated are actual building heights which relate to the building height from ground level (which varies across the site) to the parapet height excluding roofplant and lift overruns.

3.5. It is noted that the scheme has been prepared with inputs from a number of architectural firms

- Blocks A1– A4- O'Mahony Pike Architects
- Blocks B1, B2, B3, C1, C2 & D2- Henry J. Lyons Architects
- The Seminary Building, South Link Building, The Assembly Hall & The Church (Block E1-E4)- McCullough Mulvin Architects
- Block D1- O'Donnell Tuomey Architects

The overall development can be further sub-divided as follows:

Table 4: Blocks A1, A2, A3, A4

Site Area	2.31 ha
Total No. of Units	569 Block A1- 305 units Block A2-73 units Block A3- 87 units Block A4- 104 units
Density	246 units/ha
Height	4-8 storeys with local landmark 13 storeys (Block A4.3)
Mix of Units	177 x studio (31%) 213 x one-bed (37%) 145 x two-bed (26%) 34 x three-bed (6%)
Dual Aspect	279 units (49%)
Other Uses	Tenant Amenities (Blocks A1 and A4.3)- 872m ² Local Retail (Block A4.2)- 324m ² Childcare Facility (Block A4.1)- 627m ² Café (Block D1)- 273m ²
Main Access	From Drumcondra Road
Parking	245 spaces (144 basement under Block A1; 89 podium; 12 surface)
Public Open Space	6,670m ² (29%)
Communal Open Space	3,630 m ² (communal courtyard, Plaza garden and roof gardens/terraces)

Table 5: Blocks B1, B2, B3, C1, C2 + D2

Character Areas	<ul style="list-style-type: none"> • Clonliffe Road • Arrival Gardens • Formal Green • Cloister Garden • Terraced Entrance to Secret Garden • Holy Cross Piazza
Total No. of Units	<p>790</p> <p>Block B1- 92 units</p> <p>Block B2-137 units</p> <p>Block B3- 80 units</p> <p>Block C1- 146 units</p> <p>Block C2- 96 units</p> <p>Block D2- 239 units</p>
Height	4-8 storeys
Mix of Units	<p>281 x studio (36%)</p> <p>288 x one-bed (36%)</p> <p>206 x two-bed (26%)</p> <p>15 x three-bed (2%)</p>
Dual Aspect	387 units (49%)
Other Uses	Tenant/Residential Amenities - 776m ²
Main Access	From Clonliffe Road
Parking	244 residential spaces (all at basement under Block D2 and B3); 25 visitor spaces at surface level
Public Open Space	Included in overall provision
Communal Open Space	8,270 m ²

Table 6: Block D1

Character Area	Located within Formal Gardens Character Area
Total No. of Units	151
Height	18 storeys landmark building
Mix of Units	32 x studio (21%) 51 x one-bed (34%) 64 x two-bed (42%) 4 x three-bed (3%)
Dual Aspect	99 units (65%)
Other Uses	Tenant/Residential Amenities - 286m ² Café- 273m ²
Main Access	From Clonliffe Road
Car Parking	Up to 43 residential spaces (all at central basement); + 2 disabled spaces at surface level
Bicycle Parking	212 spaces
Public Open Space	Included in overall provision
Communal Open Space	906 m ²

Table 7: Blocks E1 + E2 and Residential Amenity Blocks E3 + E4

Located within Clonliffe Character Area	Restoration, conversion and extension of existing buildings at Holy Cross College (see below for further detail) Includes for some demolition works
Total No. of Units	104 Block E1- 56 units Block E2-48 units

Height	As existing New 5 storey extension to rear of seminary building
Mix of Units	50 x studio (48%) 51 x one-bed (49%) 3 x two-bed (3%)
Dual Aspect (Block E2)	24 units (50%)
Other Uses	Residential Amenities- 1,528m ²
Main Access	From Clonliffe Road
Car Parking	1 Part M space at surface level
Bicycle Parking	130 spaces
Public Open Space	Part of overall provision
Communal Open Space	1,025 m ²

- 3.6. 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 the proposed connections can be facilitated, subject to conditions. In addition, a Design Submission was included with the application, in which Irish Water state that they have no objections to the proposal, based on the information provided.
- 3.7. A Site Specific Flood Risk Assessment was submitted with the application which concludes that based on the flood risk identification in Stage 1, the proposed development falls in Flood Zone C. The proposed development is therefore deemed 'Appropriate' in accordance with the guidelines of the OPW's publication.
- 3.8. It is proposed that no areas will be taken in charge by Dublin City Council.
- 3.9. It is anticipated that the duration of the construction phase will be approximately 36 months, with the following phases noted:

Table 8: Phasing

Phase	Stage
Phase 1	Block D1 & D2
Phase 2a	Blocks A1, A2, A3 & A4
Phase 2b	Demolition Works
Phase 2c	East West Road
Phase 3a	Blocks B1, E1, E2, E3, E4 Church & Library
Phase 3b	Block B2, B3, C1 & C3

- 3.10. In total, three letters of consent have been submitted. A letter of consent from Dublin City Council, Executive Manager states that they have no objection to the inclusion of lands in the control of Dublin City Council (indicated red on attached drawings) for the purpose of making a planning application. A letter of consent, signed on behalf of St. Laurence O'Toole Diocesan Trust and Monsignor Paul Callan as trustee for the Archdiocese of Dublin gives consent to facilitate lodgement of a SHD planning application in respect of the former Holy Cross College lands. A letter of consent from Pairc an Chrocaigh, Clonliffe Property Investments Ltd. states that they have no objection to the inclusion of lands in the ownership of PAC and Clonliffe Property Investments Ltd (indicated red on attached drawings) for the purpose of making a planning application (signed Tom Ryan and Peadar Mac Cionnaith, Directors).
- 3.11. An 'Appropriate Assessment Screening Report' was submitted, which concludes that no likely significant impacts on Natura 2000 sites are predicted.
- 3.12. An EIAR has been submitted with the application.

4.0 Planning History

The application site and the wider masterplan area, have been subject to a number of planning applications in recent years which primarily relate to the normal function and operation of its institutional uses. These are set out in section 3 of the submitted Planning Report and also within the Chief Executive Report.

The main application of relevance is:

ABP-308193-20 (Reg. Ref 2935/20)

Permission GRANTED on appeal for a hotel development on the carpark into the site along Clonliffe Road comprising of 7 storeys and the demolition of the existing boundary wall, repositioning of the gate piers and widening of the entrance on Clonliffe Road to facilitate two-way traffic, the creation of 2 no. pedestrian accesses off Clonliffe Road, and the construction of a replacement plinth boundary wall with railings along Clonliffe Road, landscaping, boundary treatments, street lighting, SuDS drainage, piped and other services.

5.0 Section 5 Pre Application Consultation

A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 18th January 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance.

Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-308744-20).

1. Residential Amenity

Further consideration and/or justification of the documents as they relate to impact of the proposed development on the residential amenity of the existing neighbouring dwellings, having regard, inter alia, the location and design of Block D2 and the potential for a negative impact on the visual and residential amenity of existing occupants to the east. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings showing the proposed development in the context of the existing residential properties surrounding the site may further elaborate on the visual impact on these properties. This further consideration may require the submission of updated sunlight and daylight analysis detailing compliance with the recommended standards

Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:

1. The provision of an integrated masterplan strategy for the delivery of a proposed residential development including the co-ordination of all plans and particulars, inter alia, Natura Impact Assessment, Construction Management Plan, Surface Water proposals, Flood Risk Assessment and a detailed Phasing Plan.
2. The proposed development shall be accompanied by detailed report providing a justification and rationale for the apartment mix proposed, having regard to, inter alia, National and Local planning policy, the site's context, and locational attributes. The report should outline the mix rationale in light of both SPPR 9 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) and Policy SN1 & QH6 of the Dublin City Development Plan.
3. A report detailing the quantum of dual aspect units provided having regard to, but not limited, the requirements of SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). The report shall clearly identify true dual aspect units required to meet the minimum requirements and be accompanied by a detailed design rationale report. A comprehensive justification is required for any proposed north facing single aspect units.
4. A Community and Social Infrastructure Audit detailing the existing community services available in the vicinity of the site and those proposed within the proposed development. This shall be accompanied by a map to support the information in the audit.
5. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
6. A quantitative and qualitative assessment which provides a breakdown of the public open space. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.

7. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites, integration of appropriate phased works, Finished Floor Levels and subsequent integration of proposal with the Flood Risk Assessment (FRA).
8. A drawing detailing all areas proposed for Taking in charge.
9. Response to issues raised in the Appendices of Planning Authority Report, received on the 18th of December 2020, which includes the internal reports of the Transportation Planning Dept. relating to the integration of the Bus Connects and details of the cycling infrastructure, the report of the Drainage Dept. relating, inter alia, surface water design and flood risk assessments and the Conservation officer relating, inter alia, proposed works to the protected structures.
9. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' scheme in accordance with Specific Planning Policy Requirement No. 7 of the Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.

Applicant's Statement

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 attempts to address the points raised above.

A Material Contravention Statement was submitted with the application in relation to (i) height (ii) floor areas and (iii) unit mix. These matters shall be addressed further within the main planning assessment.

A Statement of Consistency has been submitted with the application documentation. Contrary to the opinion of the planning authority, I am generally satisfied that it has addressed the main policies and objectives at both national and local level.

6.0 Relevant Planning Policy

National Planning Policy

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.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities
- Climate Action Plan
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities

Other policy documents of note:

- National Planning Framework

Objective 4

Ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

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.

Objective 27

...to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 35

Increase residential density in settlement, 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.

- Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly
- Dublin Metropolitan Area Strategic Plan
- Housing For All

Local Planning Policy

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

Zoning:

The lands are predominantly zoned 'Objective Z12: Institutional Short Term' which seeks: "To ensure existing environmental amenities are protected in the predominantly residential future use of these lands". The following is noted for lands zoned 'Objective Z12':

- Where lands zoned Z12 are to be developed, a minimum of 20% of the site, incorporating landscape features and the essential open character of the site, will be required to be retained as accessible public open space.
- Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future for the development of the entire land holding.
- The masterplan will need to identify the strategy for the provision of the 20% public open space
- Development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in Chapter 16, Section 16.10 - Standards for residential accommodation in relation to aspect, natural lighting, sunlight, layout and private open space.
- The minimum 20% public open space shall not be split up into sections.

Adjoining areas zoned 'Objective Z1' Residential and 'Objective Z2' Residential Conservation Areas are noted. A small portion of Block A4.1 is located within the 'Objective Z1' zoning objective. The site is immediately adjacent to the River Tolka, which is zoned 'Objective Z9' Amenity/Open Space Lands/Green Network. No residential development is proposed within the 'Objective Z9' zoning objective, however works to facilitate the development, two no. outfalls to the River Tolka traverse the 'Objective Z9' zoning objective.

The River Tolka corridor is a 'Conservation Area' with objectives to deliver a linear park along it.

Chapter 5 Quality Housing

Chapter 11 Built Heritage and Culture

The following policies are noted:

Policy SC7: To protect and enhance important views and view corridors into, out of and within the city, and to protect existing landmarks and their prominence.

Policy 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.

Policy SN1: It is the policy of the Council to promote good urban neighbourhoods throughout the city which are well designed, safe and suitable for a variety of age groups and tenures, which are robust, adaptable, well served by local facilities and public transport, and which contribute to the structure and identity of the city, consistent with standards set out in this plan.

Policy SN2: It is the policy of the Council to promote neighbourhood developments which build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places.

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 QH17: To support the provision of purpose-built, managed high-quality private rented accommodation with a long-term horizon

Policy CHC1: To seek the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

Policy CHC2: It is the policy of Dublin City Council to ensure that the special interest of protected structures is protected. Development will conserve and enhance Protected Structures and their curtilage and will:

- a) Protect or, where appropriate, restore form, features and fabric which contribute to the special interest
- b) Incorporate high standards of craftsmanship and relate sensitively to the scale, proportions, design, period and architectural detail of the original building, using traditional materials in most circumstances
- c) Be highly sensitive to the historic fabric and special interest of the interior, including its plan form, hierarchy of spaces, structure and architectural detail, fixtures and fittings and materials
- d) Not cause harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure
- e) Protect architectural items of interest from damage or theft while buildings are empty or during course of works
- f) Have regard to ecological considerations for example, protection of species such as bats.

Height

Section 4.5.4 of the operative City Development Plan deals with taller buildings and states that *'Clustering of taller buildings of the type needed to promote significant densities of commercial and residential space are likely to be achieved in a limited number of areas only. Taller buildings (over 50m) are acceptable at locations such as at major public transport hubs, and some SDRAs...There are also a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas of the city are the subject of a local area plan, strategic development zone or within a designated SDRA.'*

Figure 39 *Building Height in Dublin Context* identifies four sites within the city as having potential for High Rise 50m+ buildings,

Section 16.7 Building Height in a Sustainable City

Section 16.7 Building Height

- Low Rise/Outer City- Maximum Height 16m/5 storeys for residential
- Within 500m of a DART station - Maximum height 24m/8 storeys for residential

Section 16.7.2 Assessment Criteria for Higher Buildings

All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings as set out below:

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
- Effect on the historic environment at a city-wide and local level
- Relationship to transport infrastructure, particularly public transport provision
- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for
- Contribution to public spaces and facilities, including the mix of uses
- Effect on the local environment, including micro-climate and general amenity considerations
- Contribution to permeability and legibility of the site and wider area
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings
- Evaluation of providing a similar level of density in an alternative urban form.

Map J - Strategic Transport and Parking Areas

- Zone 2 - the development is in close proximity to good public transport links. Car parking provision is restricted in Zone 2 on grounds of good public transport links
- Residential car parking standard of maximum 1 space /residential unit. No standard for childcare facility. Cycle parking 1 space per unit for all zones.

Designated Sites

The site is located within the vicinity of the following European Designated sites:

Special Areas of Conservation (SAC)

- South Dublin Bay SAC (Site Code 000210), c.4.2km to the south east;
- North Dublin Bay SAC (Site Code 000206), c.4.7km to the east;
- Baldoyle Bay SAC (Site Code 000199), c.8.7km to the north east;
- Howth Head SAC (Site Code 000202), c.10.3km to the east;
- Rockabill to Dalkey Island SAC (Site Code 003000), c.10.9km to the east;
- Malahide Estuary SAC (Site Code 000205), c.11.1km to the north east;
- Ireland's Eye SAC (Site Code 002193), c.13.1km to the north east;
- Glenasmole Valley SAC (Site Code 001209), c.14.1km to the south west;
- Wicklow Mountains SAC (Site Code 002122), c.14.2km to the south;

Special Protection Areas (SPA)

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c.1.8km to the east;
- North Bull Island SPA (Site Code 004006), c.4.7km to the east;
- Baldoyle Bay SPA (Site Code 004016), c.9.1km to the north east;
- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (Site Code 004025), c.11.1km to the north east;
- Ireland's Eye SPA (Site Code 004117), c.12.8km to the north east;
- Howth Head Coast SPA (Site Code 004113), c.13.1km to the east;
- Dalkey Islands SPA (Site Code 004172), c.14.2km to the south east;
- Wicklow Mountains SPA (Site Code 004040), c. 14.4km to the south

7.0 Third Party Submissions

- 7.1 In total, 120 submissions were received, of which 6 no. of these are from prescribed bodies. The remaining submissions are from residents of properties in the vicinity, residents' associations, local politicians and other interested parties and the issues raised are similar in nature. The contents of the submissions received from prescribed bodies are further detailed below in section 8. Many of the submissions are identical. I also note that some of the identical submissions include personal additions and these have also been read and taken into account. There are also a

substantial number of standalone submissions which I have also read and summarised below. All submissions have been taken into account in my assessment. Reference is made to more pertinent issues, which are expanded upon, within the main assessment:

Principle of Development

- SHD process
- Some submissions welcome housing on the lands in principle; others welcome proposal for efficient use of site with taller buildings
- Welcome BTR nature as it will free up existing rental properties in the area
- Need for good quality, affordable sustainable housing on this site
- Lost opportunity to develop lands for a sustainable community
- Greater need for social and affordable housing in this area
- Government failure to provide adequate housing for purchase; not in common good
- Right to housing and impacts on human rights
- Impacts on long established community in this area

Conflict with City Development Plan

- Provisions of City Development Plan being by-passed
- Conflicts with policies to create city that will facilitate economic growth...socially inclusive neighbourhoods...in a coherent, sustainable fashion
- Conflict with Policy QH6 regarding creation of attractive, mixed-use sustainable neighbourhoods
- Considers that proposal is not of strategic, national importance to justify material contravention
- Contravention of Plan in terms of unit mix and height
- Splitting of open space, mature trees and open parkland will be lost-contrary to Z12 zoning
- Contravenes Z1 and Z2 zoning of adjoining lands
- Fails to consider guiding principles for infill development

- Consistency with Policy SN1 and SN2

Build to rent model

- Concerns regarding principle of BTR model and impacts on land costs, rental inflation and house price inflation
- Short-term living space, transient nature of residents
- No opportunity for residents to own their unit
- Lack of integration with existing residents
- Over-concentration of such units with city
- Impacts of BTR model on tenant health
- Inadequate commercial facilities being provided

Height, Scale, Density and Design

- Excessive height, density, scale and bulk proposed – inadequate justification for such
- Detrimental to the character of the area; impacts on visual amenity; visually obtrusive
- Particular concerns regarding height of Block D1
- Impacts on skyline
- Abrupt changes in height and scale
- Over-development of the site
- Strong design-base not put forward/materiality

Mix of units

- Extent of studio and one-bed units (greater than 70%)
- Extent of smaller units limits opportunity for residents to settle in area long-term

Quality of Apartment Design

- Size of proposed units and layout of proposed studio units; length of corridors; number of units per core
- Future proofing of layouts; sound proofing of units
- Extent and quality of dual aspect units; reduction in number of single aspect units; quality of units within Block E2

- Access to light for one-bed units
- Adequate storage should be provided
- Lack of private open space provision

Impacts on Existing Residential Amenities

- Separation distances; impacts on privacy; visual overbearance; impacts on daylight/sunlight; security concerns
- Depreciation of property
- Impacts on foundations
- Abrupt transitions in scale

Architectural Heritage

- Concern regarding impact of proposal on Protected Structures
- Others welcome proposal to refurbish and adapt PS
- Concern regarding removal of artefacts and fittings
- Request that Chapel be available to community groups from surrounding area at reasonable cost
- Impacts on views of Protected Structures
- No Architectural Impact Assessment submitted

Amenities/Access to Open Space

- Impacts of proposal on existing amenities/services
- Removal of open spaces
- Local residents have always had RoW through Holy Cross lands- concerned regarding privatisation of traditional publically accessible lands
- Use of proposed open space for ballsports
- Outdoor space for crèche area
- Lack of bridge over River Tolka is unacceptable
- Access to communal open space for future residents
- Inconsistencies in Daylight and Sunlight Analysis

Traffic and Transport

- Increased traffic congestion/spill over onto adjoining streets
- Impacts on public transport/ capacity concerns

- Lack of adequate car parking facilities
- Cumulative impacts with permitted hotel
- Bridge should be provided over River Tolka to provide public pedestrian and cycling link to Grace Park Road
- Quality of existing cycling routes
- Use of site for car parking by GAA on match/concert days; requirement for Stadium Transport Plan; closure of Clonliffe Road on match days

Environmental

- Adequacy of EIAR and AA Screening
- Impacts on biodiversity; wildlife; roosting/nesting birds
- Extent of tree removal
- Noise, dust; wind impacts

Drainage and Flooding

- Historical flooding issues in Clonliffe area
- Existing drainage system in need of replacement
- Concerns regarding additional pressure on drainage network

Construction Management

- If development permitted, liaison committee should be established by way of condition
- Vermin
- Absence of detailed Construction Management Plan

Other Matters

- Query if permission can be permitted in absence of decision from European Court on Player Wills site
- Fire safety concerns including accessibility by fire brigade; inner bedroom in studio units
- Covid-19 concerns
- Waste and recycling; location of ESB sub-station
- Location of Part V units- social segregation
- Lack of consultation

- Legal matters- title of land, sale of lands by Church (Art 44.6 of Constitution), boundary encroachment
- Discrepancies in documents, lack of information

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 09th September 2021. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposed development, planning history, observations, pre-application consultations, Central Area Committee meeting, Statement of Consistency, City Development Plan 2016, opinion for other internal departments, planning assessment, ABP Opinion and applicant response, masterplan, policy context, appropriate assessment, EIA. A summary of representations received was outlined, together with a summary of comments from Area Committee Meeting.

Summary of Inter-Departmental Reports

Drainage Division:

No objections, subject to conditions

Transportation Planning Division:

The subject site is located in a highly accessible area close to public transport and it is considered that the continual implementation of a strong mobility management regime can alleviate concerns regarding the reduced quantum of car parking on site. Recommended conditions attached.

Conservation Officer:

Refusal recommended

1. The proposed height, scale and massing of the Block D2 building at 17+1 storeys is excessive in this context and will entirely dominate and seriously injure the architectural setting of the Protected Structures - the former Seminary and the Red House in particular, as well as the surrounding environs of Clonliffe Road and Drumcondra, including adjacent and adjoining Z2 Residential Conservation Areas. It would also be clearly visible in long-range views from other parts of the historic city. Accordingly, Block D2 should be omitted from the proposed development.
2. The proposed basement beneath the eastern end of the Formal Green gives rise to serious concerns in relation to the potential serious and injurious impact this would have on the wider setting and curtilages of the protected structures comprising mature trees, the health of the grounds adjacent to this area that are indicated to be retained, and on the long-term performance of this 'new' green area above the basement. This proposed basement should be omitted from the proposed development.

Recommended additional information outlined, to be dealt with by means of condition, if An Bord Pleanála is disposed towards a grant of permission.

Planning & Property Development:

Recommended conditions

Housing & Community Services:

Brady Shipman Martin on behalf of their client CWTC Multi Family ICAV has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted.

Air Quality Monitoring and Noise Control Section:

A Construction Management Plan must be submitted prior to the works taking place informing of the air pollution and noise pollution mitigation measures that must be in place on site throughout the construction works.

City Archaeologist:

Concurs with the suggested mitigation of archaeological monitoring as offered in the EIAR. Recommended condition attached

Waste Regulation and Enforcement Unit:

Conditions attached

8.2 A thorough and comprehensive assessment of the proposal has been undertaken by the planning authority and reference has been made to same within the main body of my report. The assessment concludes as follows:

- The opening up of such a development site in this location provides an excellent and once in a lifetime opportunity to deliver a high quality residential scheme with an appropriate mix of units including larger and family sized units.
- The proposed development aims to make more efficient use of the site in accordance with national planning policy and the principle of residential development on this site is very welcome particularly given the current housing crisis.
- A high-density residential development can be accommodated at this location, however the high quantum of single aspect and studio and 1 bed units is not considered appropriate to the area and could constitute an unbalanced form of development
- Of the 1,614 residential units proposed, 540 units are studio units and 602 are 1 bed units, which represents 70.8% of the overall scheme. Despite the applicants justification in the Housing Needs Assessment, the proposed ratio of studio and 1 bed units within the scheme is such that it is unlikely that the development will provide an attractive mixed-use sustainable neighbourhood and ‘a good urban neighbourhood’ in compliance with Policies QH6 and SN1 of the Dublin City Development Plan 2016-2022.
- Also, it is critical that a scheme of this scale should not be purely for rental, given the desire and need for local residents and potentially people from outside the area to purchase their own home
- Considers that the scheme is a major missed opportunity to create an integrated, mixed income, mixed ownership and sustainable new community with a full range of apartment types and sizes.

- Serious concerns with the performance of the proposed development in terms of daylight and sunlight given that it is predominantly a new-build development on essentially a greenfield site with limited constraints
- Discontented that all apartments in the development were not tested for ADF. Considers that the proposed representative sample of 10-15% of units is a small sample and therefore they are apprehensive about the integrity of the sample. Notwithstanding the size of the sample, the results of the sample kitchens tested is concerning, particularly in blocks A1, B3, C1 and D1.
- Proposed development complies with the standards in terms of provision of open space with compensable communal open space provided in lieu of private open space to some units. Considered acceptable in quantitative terms, however the lack of private open space to 177 studio units in the A blocks is unsatisfactory. The lack of provision of balconies, together with the small size of units and concerns in terms of daylight and sunlight provision, raises serious concerns with the quality of the residential amenity afforded to future occupants.
- Very serious concerns over the deficiencies and failings of this proposal, as expressed in the body of their report, and is disappointed that an alternative approach that placed more value on the creation of sustainable vibrant, safe, comfortable and attractive neighbourhoods and homes was not taken
- However, it is acknowledged that the provision of a BTR scheme with high numbers of studio and one bed units (built to rent standards) is broadly in line with the Design Standards for New Apartments. In that context, overall, the proposed residential scheme would read as a very consolidated intense development
- Conditions recommended, if ABP considers the development to be appropriate

8.3 The report includes a summary of the views of relevant Elected Members, as expressed at the Central Area Committee meeting held via zoom due to Covid-19 restrictions on 29/07/2021 and are broadly summarised below:

- Given scale of development, important to get it right

- Contravention of the Dublin City Development Plan and is not a sustainable development having regard to excessive height, predominance of studio and one bed units, apartment size and layout
- Very critical of the build-to-rent model
- Concerns regarding Part V
- Creation of large transient population which would negatively impact the local community
- Very little, if any, community gain for a development of its size, with no community or play spaces being provided
- Impact on traffic management during construction phase and following completion of the development
- Concern regarding preservation of protected structures on the site
- Loss of trees
- Impacts of Player Wills ruling would have on this site

9.0 Prescribed Bodies

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

1. Irish Water
2. Transport Infrastructure Ireland
3. Dublin Count Childcare Committee
4. Inland Fisheries Ireland
5. An Chomhairle Ealaíon
6. Fáilte Ireland
7. The Heritage Council
8. An Taisce- the National Trust for Ireland
9. Department of Housing, Local Government and Heritage (Built Heritage and Nature Conservation)

In total, six prescribed bodies have responded (including a response from the NTA) and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Based on the details provided by the applicant to Irish Water, as part of their Pre-Connection Enquiry, and on the capacity available in Irish Water networks, issued a Confirmation of Feasibility in 2020 confirming that new connection(s) to the existing water and wastewater networks are feasible. Connection(s) for phases of the development proposal to the IW networks will be subject to a connection agreement with Irish Water.

The applicants have been issued a Statement of Design Acceptance for the development.

Recommended conditions attached.

Inland Fisheries Ireland

The proposed development is adjacent to the Tolka River which supports Atlantic salmon, Lamprey (Habitats Directive Annex II species) and Brown trout populations in addition to other fish species. Adult Salmon were recorded in the Glasnevin area in 2011. Thus, it is vital to note that salmonid waters constraints apply to any development in this area.

Recommended conditions attached

Transport Infrastructure Ireland

No observations to make

Department of Housing, Local Government and Heritage

Detailed and comprehensive report received, which is broadly summarised below. Matters raised are further expanded upon within my assessment.

Archaeology

On the basis of the information in the archaeological component of the EIAR and the proposed archaeological mitigation (Vol. 2, Section 15.5), it is recommended that a planning condition pertaining to Archaeological Monitoring of ground disturbance and

topsoil removal at construction stages be included in any grant of planning permission that may issue. Recommended conditions attached

Architectural Heritage

In summary, the main concerns expressed relate to impacts of proposal in particular on Red House, Protected Structure. Recommended conditions attached

Nature Conservation

No objections raised, subject to conditions. Recommended conditions attached in the event of planning permission being granted for proposal

An Taisce

Build to Rent Units

Serious concern is expressed over the proposed construction of this level of build-to-rent units. Type of accommodation needed in this location is apartments of appropriate quality and (varied) size available for purchase by owner-occupiers, not rental units which will constitute accommodation for transient workers, students or those awaiting home purchase. Proposal militates against the fostering and nurturing of a longer-term community in the area...creating a sustainable city, and fails to answer local housing need (non-rental).

Impact of Development on Heritage

Consideration is required in respect of the plans to site higher buildings within the grounds, in particular 8-18 storey elements which will sit opposite the chapel within the southern portion of the site. References Policy CHC2 of operative City Development Plan in this regard.

In addition, a report was also received from the National Transport Authority (NTA) and is summarised as follows:

National Transport Authority

The consolidation of development into sites close to the city centre is a key mechanism in reducing the demand for travel and in the facilitation and promotion of public transport use, walking and cycling as modes of transport. As such, the proposed development is considered to be broadly consistent with the land use

planning principles of the Transport Strategy, subject to the other planning considerations.

Considers that the long-term sustainability and attractiveness of high-density residential development in inner suburban locations such as Drumcondra is of critical importance.

It is not evident that the proposed development is consistent with referenced transport and land use objectives related to diversity of tenure, a wider demographic profile, or social inclusion. Failure to achieve these objectives may undermine the strategic transport aim to deliver high-density consolidated development.

Notes extent of car parking proposed and are satisfied with same. Recommended condition attached in relation to proportion of spaces dedicated to car club sharing scheme.

Recommends condition in relation to BusConnects arrangements, access and permeability.

10.0 Oral Hearing Request

10.1 Oral Hearing requests were submitted by eight parties, including one from a public representative Councillor Nial Ring. The issues raised can be broadly summarised as follows:

- Build-to-rent nature of proposed scheme; failure of government to provide adequate housing for purchase; right to housing in own neighbourhood
- Compliance with zoning objective
- Scale of proposed development; height; density; unit mix
- Quality of proposed residential development; single aspect, studio units; role of housing in health; creation of sustainable communities
- Impacts on existing residential amenity
- Traffic and parking implications
- Drainage and flood risk concerns
- Removal of public open space; protection of green network
- Lack of community infrastructure; location of Part V units; lack of consultation
- Removal of artefacts and fittings from Protected Structures

- 10.2 Section 18 of the 2016 Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board: (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.
- 10.3 These matters and others all form part of the various elements of my assessment throughout this report and I am of the opinion that the applicant has provided a sufficient amount of detailed analysis to answer any questions I or the Bord may have. In addition, I note the thoroughness and detailed consideration provided by the planning authority, statutory consultees and observers. I am satisfied that given the considerable amount of detailed material before me, a reasoned decision can be made by the Bord. I do not consider that there is a compelling case to hold a hearing. I consider that the necessary information is held on file. In this instance, it was decided there were no exceptional circumstances and therefore the requests for an oral hearing were refused.

11.0 Assessment

- 11.0.1 This assessment is divided into a Planning Assessment, an Appropriate Assessment Screening and an Environmental Impact Assessment. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and observers in submissions to the Bord, together with the Chief Executive Report, in response to the application.
- 11.0.2 There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

11.1 Planning Assessment

- 11.1.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; relevant section 28 Ministerial guidelines; National Planning

Framework; Dublin Metropolitan Area Strategic Plans; provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have twice visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Development/Objective Z12 Zoning/SHD Process
- Quantum of Proposed Build-to-Rent Units
- Unit Mix and Material Contravention
- Design Approach/Density/Aspect/Open Space Provision/Permeability
- Building Height/Material Contravention
- Visual Amenity
- Architectural Heritage
- Impacts on Existing Residential Amenity
- Quality of Proposed Residential Development
- Traffic and Transportation
- Drainage and Flood Risk
- Other Matters

11.2 Principle of Development/Objective Z12 Zoning/SHD Process

Principle of Development

11.2.1 Having regard to the nature and scale of development proposed, namely an application for 1614 residential units, together with other mixed uses including commercial/retail uses (stated to be 1.49% of overall development), all located on lands on which such development is permissible under the zoning objectives, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

'Objective Z12' zoning objective

- 11.2.2 I note the third party submissions received which contend that the proposal is not consistent with the zoning objective for the area. The site is predominantly zoned 'Objective Z12: Institutional Land (Future Development Potential)' which seeks: "To ensure existing environmental amenities are protected in the predominantly residential future use of these lands." In terms of proposed uses, it is noted that 'residential', 'childcare facility', 'restaurant' and 'shop(local)' are all 'Permissible Uses' under the zoning matrix, as set out in section 14.8.12 of the operative City Development Plan.
- 11.2.3 A small portion of Block A4.1 (in the north-western corner of the site) is located on lands zoned 'Objective Z1', which seeks 'to protect, provide and improve residential amenities'. 'Residential' development, 'childcare facility' and 'shop (local)' are all 'Permissible Uses' under this zoning objective. I note that the subject site is located immediately adjacent to the River Tolka, which is zoned 'Objective Z9' 'Amenity/Open Space lands/Green Network' and which seeks 'to preserve, provide and improve recreational amenity and open space and green networks'. While no residential development is proposed on these lands, it is noted that works to facilitate the two no. outfalls to the River Tolka traverse these lands.
- 11.2.4 In term of the predominantly 'Objective Z12' nature of the lands, the operative City Development Plan acknowledges that the majority of 'Objective Z12' lands are in institutional use and could possibly be developed for other uses. Certain parameters are set within the operative City Development Plan for the development of such lands, which are set out below, including my response to same:

A minimum of 20% of the site, incorporating landscape features and the essential open character of the site, will be required to be retained as accessible public open space.

- 11.2.5 In assessing the above, I note that a stated 20,410m² of public open space has been proposed, which equates to approximately 25% of the overall site area. This figure is in excess of the public open requirement under the zoning objective. The landscaping concept put forward by the applicants in relation to the proposed public open space is to protect and enhance the existing historic buildings on site, retain as

many trees as possible whilst at the same time providing a unified public realm that transitions from one landscape character area to another. Four primary areas are proposed –Formal Green, Cloister Garden, Woodland and Arrival Gardens. These areas have many differing functions from kick-about lawn to children’s play areas to running areas and exercise stations. Pedestrian permeability through these spaces is good and active supervision of the spaces is noted. The proposal will allow for pedestrian permeability and a pleasant walking environment to be created between the Drumcondra Rd and the Clonliffe Road. The submitted Landscape Statement indicates that high quality spaces are proposed, catering to the differing needs of those utilising them. Differing planting styles are proposed depending on use of the areas. While 117 trees are proposed for removal, a total of 616 new compensatory planting is proposed. I am satisfied that the open character of the site is being retained and that the proposal before me will be a positive addition to the open space provision for the wider community in this area. I am of the opinion that the proposal complies with the Development Plan requirement in this regard and I would concur with the planning authority in their report that the proposed public open space provision is an overwhelming positive element of the proposed scheme.

11.2.6 The Bord is referred to section 11.5.19 below for further assessment of public open space provision.

The minimum 20% public open space shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children’s play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 20% minimum public open space shall be apportioned otherwise.

11.2.7 In terms of splitting the public open space into sections, I am satisfied that the public open space is such that it is usable, with a clear, logical network created through the site in a fashion appropriate to the development proposed. A clear hierarchy of spaces is proposed. The retention of the parkland setting along the Drumcondra Road is noted, which will give a sylvan quality to this element of the proposed scheme and a sense of privacy, due to the setback from the busy Drumcondra Road.

It will also aid in retaining the existing character along Drumcondra Road. A number of different uses are also proposed, both active and passive (some such uses detailed in preceding section). Whilst not included within my assessment, I also note the designation of the lands within the overall masterplan area (not included within the red line boundary) for the future provision of GAA pitches to the north of the subject site. Having regard to the design rationale proposed, I am of the opinion that the significant landscape features and nature conservation requirements pertaining to this site are being satisfactorily incorporated into the proposed development. I am satisfied in this regard.

The predominant land-use on lands to be re-developed will be residential, and this will be actively encouraged.

- 11.2.8 The predominant land-use proposed is residential, as per the Development Plan requirement with 1.49% of the proposal stated as being non-residential use. I consider this to be fully in compliance with the Development Plan requirements. I note however that many of the third party submissions received raise concerns with regards the extent of residential development in the proposal and the lack of other, non-residential uses. In response to this, I acknowledge these concerns and I too would have considered that a greater degree of non-residential use (within the parameters of the SHD legislation which allows for up to 15% non-residential development) could have been appropriate at this location. In my opinion, the commercial offering could possibly have been increased, whilst still maintaining a predominantly residential use on the lands. It would have served to increase the mix of services within the wider area, catering to both new and existing residents; would have encouraged greater vitality within the site and would have been a tool in attracting people into the overall scheme.
- 11.2.9 However, notwithstanding the above, I note that the zoning objective explicitly states that its vision is for the 'predominantly residential future use of these lands'. This is being achieved in the current proposal. I note the permitted hotel development (Ref. ABP-308193-20) at the Clonliffe Road entrance to the site, which increases the uses within the overall masterplan area. I also note that lands immediately opposite and both to the north and south of the site on Drumcondra Road are zoned 'Objective Z4' which seeks 'to provide for and improve mixed-service facilities'. Such locations are

considered appropriate for mixed-uses and I note that there is a significant amount of non-residential, local services located within these areas. Educational and ecclesiastical uses are also noted in the vicinity. This established area is already well-served with mixed-use development. The public open space provision is such that it will also aid in attracting people into the proposed scheme. I am satisfied that the proposal is in compliance with Development Plan requirements in this regard.

Will require the preparation and submission of a masterplan setting out a clear vision for the future for the development of the entire land holding. In particular, the masterplan will need to identify the strategy for the provision of the 20% public open space requirements associated with any residential development, to ensure a co-ordinated approach to the creation of high-quality new public open space on new lands linked to the green network and/or other lands, where possible.

11.2.10 In order to comply with the Development Plan requirements in this regard, the applicants have submitted a number of masterplan documents for the overall land holding, including Volume 1: Schematic Masterplan Development Document. Volumes 2 Site Design Strategy and Volume 3A, 3B, 3C and 3D are all individual design statements prepared by the architectural firms responsible for that area of development. The overall masterplan seeks to set out the future development framework for the Clonliffe College lands to ensure the successful delivery of a co-ordinated development in accordance with the Z12 zoning, which takes cognisance of a number of key stakeholders. It is stated in the documentation that this masterplan provides a framework to sensitively realise the potential of these currently under-developed lands without compromising the site sensitivities.

11.2.11 The lands subject to the 'Objective Z12' Masterplan total a stated 14.5 hectares while the subject site comprises approximately 7.74 hectares (developable area) of this total. The gross site area is stated as being 8.9 hectares in the submitted documentation. The lands the subject of this current application encompass the existing Seminary building, Holy Cross Church and library, and includes a portion of

site to the north-west. The GAA have earmarked the area to the north-east of the site for the development of recreational facilities (not included within the red line boundary) and also a pocket of land to the south along the entrance avenue off Clonliffe Road for which planning permission has recently been granted for a hotel development (ABP-308193-20). Of the 'Objective Z12' zoned lands at this location, it is noted that the Belvedere lands, the Archdiocese lands and the Mater Dei lands are not included in this subject application.

11.2.12 I am satisfied that the submitted masterplan documents and individual design statements set out a clear vision for the future development of the entire land holding. These documents have identified the strategy for the provision of in excess of 20% public open space associated with the proposed residential development and it is clear to me that a co-ordinated approach to the overall development of the lands is being put forward, which includes for the creation of high-quality new public open space for the benefit of the wider community.

Development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in Chapter 16, Section 16.10 - Standards for residential accommodation in relation to aspect, natural lighting, sunlight, layout and private open space.

11.2.13 The operative City Development Plan requires that any proposal for development along the perimeter of lands zoned 'Objective Z12' shall have regard to the prevailing height of existing residential development. While I shall deal with the matter further below, I am satisfied in this regard. The proposed blocks have been generally well set back from the boundaries, setbacks in heights are proposed with transitions in scale proposed. The layout and design of the proposal is such that impacts on existing residential development are considered to be appropriate for such an urban location; are considered not to be excessive or to warrant a refusal of permission. Specific assessments have been submitted in this regard, which shall be assessed further in the following sections.

For the avoidance of doubt, at least 10% social and affordable housing requirement

11.2.14 The operative City Development Plan requirement that 10% social and affordable housing be provided on such lands zoned 'Objective Z12'- being achieved in this instance with 160 units in Blocks A2 and A3 proposed. The breakdown of units is as follows- 59 x studio; 43 x one-bed; 58 x two-bed units. Some of the submissions received have raised concerns with the location of the units within two blocks and consider that they should have greater dispersal throughout the scheme. I do not have concerns in this regard. The blocks are centrally located within the proposed scheme, close to the proposed childcare facility and retail unit. I am satisfied in this regard. The planning authority state that the applicant has engaged with them in relation to the matter of Part V and have not raised concerns in this regard. I note the provisions of the recently adopted Affordable Housing Act 2021 and revised provisions to Part V contained therein and the fact that this application was lodged prior to the enactment of that aforementioned legislation. I note that it is unclear from the submitted documentation as to when the subject lands were purchased (namely was it before or after September 1st 2015). I recommend that the matter of Part V be dealt with by means of condition. Details of compliance can be dealt with by the planning authority, or ABP, in case of disagreement. In any event, the applicant will be obliged to comply with these new requirements as amended.

Conclusion

11.2.15 In addition to the above, I have also had regard to the Council's Core Strategy with respect to housing. The core strategy states that the policies and objectives of the Plan promote intensification and consolidation of the city which will be achieved in a variety of ways including the encouragement of development at higher densities especially in public transport catchments. It is further noted that the policies underpin the creation of a compact city with mixed-use environments, sustainable neighbourhoods and green infrastructure. Policy QH7 of the operative City

Development Plan is noted which seeks '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'. I am of the opinion that the principle of a development, which provides for the delivery of 1614 units, underpins the principles of a compact city, with good public transport options and a range of services and amenities existing within this established area of the city. I am fully satisfied that the proposal is in compliance with the operative City Development Plan in this regard.

11.2.16 Having regard to all of the above, I am of the opinion that the proposal accords with the predominate zoning objective for the area, with 'residential' use being a permissible use within the operative City Development Plan. Such 'Objective Z12' zoned lands can contribute towards the housing requirements of the city and a masterplan for the overall lands has been prepared. I am satisfied that the architectural heritage of the site is being protected and that the quantum and quality of public open space proposed is of a high quality and will be a benefit to the wider community. I am satisfied in this regard.

SHD Process

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

11.3 Quantum of Proposed Build-to-Rent Units

11.3.1 I highlight to the Bord that the principle and quantum of proposed BTR units has been raised in almost all of the third party submissions received, including those received from Elected Members, and is one of the matters that has generated substantial local opposition. The planning authority have also raised serious concerns in relation to this matter, as have the NTA and An Taisce.

Policy Context

11.3.2 The attention of the Board is drawn to the fact that this is a build-to-rent scheme. All 1614 no. residential units are BTR units. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on the build-to-rent (BTR) sector. It is noted that these guidelines have been recently updated in 2020. They define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. In this regard, a Property Management Strategy Report has been submitted with the application.

11.3.3 I refer the Board to the provisions of Specific Planning Policy Requirement 7 which provides that:

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

11.3.4 The statutory notices for the proposed residential development describe the scheme as build-to-rent. The proposal is not accompanied by a proposed covenant or legal agreement, as required under SPPR 7(a). However, in this regard, the applicant states that they are aware that An Bord Pleanála, in any grant of permission, will attach conditions requiring that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period. This is accepted by the applicant who will provide the required legal agreement by condition. I am satisfied that, notwithstanding the absence of a legal covenant/agreement with the planning documentation, that the matter of could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission.

11.3.5 In terms of **resident support facilities and resident services and amenities**, I note that a stated 3,463m² of such services and facilities are proposed across the site, both internally and externally. These are located in Blocks A1, A4, B1, C1, C2 and D2. Larger centralised spaces are provided in the assembly hall and church building as central hubs of amenity space, providing accessibility to all residents. The approach towards residential amenity is such that localised amenity hubs and tenant facilities directly associated with individual blocks are also proposed. This approach is welcomed. The central amenity hubs will cater for the wider development while tenant facilities will cater for residents of individual blocks. A number of proposed uses include flexible workspaces, concierge, residents' lounges, cinema, gym and private dining rooms.

11.3.6 While I am satisfied with the overall quantum of residential tenant facilities and the approach to their dispersal, I do have some concerns with regards to the actual uses proposed therein. I would concur with the planning authority when they express concerns that a significant proportion of the tenant facilities and amenity hubs are lounge spaces. Excluding the provision of a gym (in the assembly hall) and cinema

(within the church), there appears to be a lack of facilities such as work stations, working from home hubs and laundry rooms for example. In terms of workspace provision for example, given the floor area of many of the proposed units, in particular the studio units, I would have anticipated a greater amount of such spaces, in particular given current emerging national policy in relation to remote/working from home. Again, given the floor area in many units, services such as communal laundry facilities are considered to be somewhat of a basic requirement. Such uses would appear to be lacking. I would concur with the planning authority when they state that taking into account the expected number of residents within the scheme, it is considered that there is a deficit in regard to the detail, variety and volume of communal facilities. Notwithstanding these concerns, I am of the opinion that if the Bord is disposed towards a grant of permission, the matter could be adequately dealt with by means of condition.

11.3.7 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. The applicants have submitted a Material Contravention Statement as the proposal does not accord with the provisions of the operative City Development Plan in terms of unit mix and floor area. It is noted that the planning authority, the NTA and a significant amount of third party submissions received all raise concerns in relation to the proposed unit mix and a perceived lack of family friendly units. The matter will be dealt with further below.

11.3.8 Under SPPR 8, flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and in relation to the provision of all of the communal amenity space (as set out in Appendix 1 of aforementioned Apartment Guidelines), on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance seeks relaxations in terms of private open space provision. A total of 177 no. studio units within the A-Blocks are not provided with private external space. A number of units within the Seminary building, also do not have access to private open space provision. Aside from this, all units are generally consistent with the requirements of the Apartment Guidelines. This is dealt with further below.

Quantum of Build-to-Rent Units

11.3.9 I highlight to the Bord that the matter of the principle and quantum of build-to-rent units has been raised in almost all of the third party submissions received, including those received from Elected Members. There is overwhelming concern with regards the scale of BTR units being proposed and the lack of opportunity this affords to people to buy their own home on these lands. The planning authority has also raised serious concerns in this regard, stating that it is critical that a scheme of this scale should not be purely for rental, given the desire and need for local residents and potentially people from outside the area to purchase their own home. They consider the scheme to be a major missed opportunity to create an integrated, mixed income, mixed ownership and sustainable new community with a full range of apartment types and sizes. The concerns of the planning authority relating to the BTR nature of the development are linked with the smaller size of units proposed. I shall deal with that matter below. The planning authority do however acknowledge that the residential mix of the scheme may be in line with the BTR guidelines, as set out in the Design Standards for New Apartments and having regard to this, do not recommend a refusal of permission. However, they consider the proposed scheme is exceptionally poor with regard to developing a planning approach that values urbanism and that leads to the creation of sustainable, vibrant and attractive neighbourhoods and homes. The National Transport Authority (NTA) is of the opinion that it is not evident that the proposed development is consistent with referenced transport and land use objectives related to diversity of tenure, a wider demographic profile or social inclusion. Failure to achieve these objectives may undermine the strategic transport aim to deliver high-density consolidated development. An Taisce also raise concerns regarding the BTR nature of the proposed development.

11.3.10 At the outset, I fully acknowledge the aforementioned national policy guidance with regards to the provision of BTR development and the need for same in certain areas, catering to those at different stages of the lifecycle; those where home ownership may not be a priority and those who have a preference/need for smaller units. Such build-to-rent units offer choice and flexibility to people and can provide viable long-term housing solutions. The Apartment Guidelines acknowledge that such schemes

are larger-scale apartment developments that typically include several hundred units. I also note Policy QH17 of the operative City Dublin City Development Plan, which seeks to support the provision of purpose-built, managed high-quality private rented accommodation with a long-term horizon.

11.3.11 Having regard to the location of the site close to the city centre, beside excellent public transport facilities, I am satisfied that the principle of a build-to-rent scheme is suitable and justifiable at this location.

11.3.12 I note Policy QH6 and SN1 of the operative City Development Plan in this instance, referred to by the planning authority in their Chief Executive report and also within some of the third party submissions received. I acknowledge that the aforementioned Apartment guidelines take precedence over the operative City Development Plan. Policy QH6 seeks 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 SN1 seeks to promote good urban neighbourhoods throughout the city which are well designed, safe and suitable for a variety of age groups and tenures, which are robust, adaptable, well served by local facilities and public transport, and which contribute to the structure and identity of the city, consistent with standards set out in this plan. In addition, some of the third party submissions have also raise concern that the proposal is not in compliance with SN2 of the operative City Development Plan, which seeks to promote neighbourhood developments which build on local character as expressed in historic activities, buildings, materials, housing types or local landscape in order to harmonise with and further develop the unique character of these places. These policies are considered reasonable and I am of the opinion that the proposal is generally consistent with them. The proposal will provide a balance to existing development, namely it will provide good quality rental units catering to individuals and two-person households in the main, within an area which has traditionally been well served with larger family, owner-occupied homes. Taking in conjunction with existing development in the area, the proposal will contribute to this attractive mixed-use sustainable neighbourhood by providing a development that is well-designed, safe and adaptable in an area which is well served with local facilities and public transport. A good urban neighbourhood will be created. The

quality of the public realm is an attractive feature of the proposed scheme. The proposed childcare facility will add to the community facilities in the area. The proposal will add to the variety of housing types within the area. The local character of the site has been taken into consideration in the design rationale and the proposal will add to the identity of the city. I am generally satisfied in this regard.

11.3.13 This proposed development, if permitted, will lead to a new urban quarter at this location. It is a rare opportunity for such a large site to become available within such an established area of the city and in my opinion, any proposal thereon should therefore provide for an exemplar development. A quality proposal has been put forward in this instance including quality public open space, layout, architectural finishes and protection of architectural heritage. I acknowledge the concerns of many parties in relation to the exclusive use of the site for BTR. I too would have welcomed a scheme with a greater variety of tenure, which provides for a more socially mixed population on this site. I note the Urban Design Manual and the 12 criterion contained therein in particular Criteria No. 03 'Inclusivity' and Criteria No. 4 'Variety' in this regard and I refer the Bord to same. However, in this instance, I again note that the Apartment Guidelines, which were recently updated in 2020, impose no restrictions in terms of quantum of BTR units and encourage large-scale BTR developments on such appropriate sites. An Bord Pleanála must have regard to this current policy context.

11.3.14 Notwithstanding my comments above, it may argued that the Part V allocation provides diversity and social inclusion within the proposed scheme. In addition, it may also be argued that diversity and social inclusion currently exist within the established wider area where a mix of housing typologies and sizes are evident. This is currently a diverse area of the city-both economically and socially- an area where renters and home-owners live side by side, coming from many different backgrounds. In addition to owner-occupied family homes, this is an area that has also become home to renters for generations. Larger homes are often subdivided into individual units or alternatively individual rooms are let out independently. However, the standard of rental accommodation is sometimes poor, often not meeting the needs of the occupants. Often, people have been forced to live in substandard units, due primarily to a lack of alternatives- a lack of quality, private, smaller units catering to this cohort of the population. This in turn reduces the

number of larger homes available within the area for families or those looking for a larger property. The provision of dedicated smaller sized, rental units in this proposed scheme, with associated amenities and facilities, catering to single and two persons in the main, would provide a quality offering to this cohort of the population. In turn, this could lead to the freeing up of existing, larger properties, providing increased availability to those looking for a larger home.

11.3.15 There is an acknowledged demand for housing in many sectors of society, with all sectors having varying needs and requirements. While I note the contents of many of the submissions received, I am of the opinion that one size doesn't fit all and one sector should not be pitted against another, as having a greater need or otherwise. This proposed BTR scheme provides accommodation for one of those sectors, namely those where home ownership may not be a priority and/or for those who need/desire a smaller unit. For those who may wish to live on their own or those who may not wish to share conventional housing with strangers. It is providing this type of accommodation in an area which has traditionally been well served with larger, owner-occupied, family homes. It is stated in the documentation that 60% of the properties in the area are houses. Some of the submissions received state that the proposal would cater solely to "affluent students and transient techs". While this may or may not be the case, the fact remains that all sectors of society, including students and those in the tech industry, require housing and a one size fits all is not always appropriate. In any event, I note that this is not a student housing proposal.

11.3.16 I acknowledge that those living in the rental sector desire and are entitled to quality accommodation that meets their needs. I am satisfied that quality accommodation is being provided for in this instance. I have considered the concerns raised in the submissions received in relation to the lack of community and creation of transient population. I don't agree that the proposal will necessarily attract a transient population. However, in order to provide for more security of tenure for future residents, the Bord may wish to impose a condition relating to a minimum lease term to any grant of permission. This matter could be adequately dealt with by means of condition.

Conclusion

11.3.17 To conclude this matter, I would have welcomed greater diversity in terms of tenure than the 100% BTR currently proposed on this site and I accept many of the points raised by both the planning authority, the NTA and the third party observers in this regard. Notwithstanding this, I do note that the established nature of the surrounding area is such that the home ownership market is presently well catered for and a quality rental scheme, such as that proposed, would provide options for those where home ownership may not be a priority. Importantly current Government policy in relation to BTR units is noted, as set out in the recently updated Apartment Guidelines (2020). Having regard to all of the above, I consider that the principle of BTR on this inner suburban site is acceptable as it is consistent with policies and intended outcomes of current Government policy.

11.4 Unit Mix and Material Contravention

11.4.1 Many of the third party submissions received have raised concerns with regard the proposed unit mix, in particular the extent of one-bed and studio units, which they consider could lead to a more transient population within the area; which would not facilitate in the creation of sustainable communities and would not be suitable for the accommodation of families. Many of the Elected Members have also raised concerns in this regard. The planning authority has raised serious concerns in this regard and state that the high quantum of single aspect studio and one-bed units is not considered appropriate for the area and could constitute an unbalanced form of development.

11.4.2 Of the 1,614 residential units proposed, 70.8% are studio and one-bed units. It is noted that a Housing Demand and Unit Mix Study has been submitted with the application, which uses a number of demand models to establish population growth and housing needs into the future. This report states that future demand in the next ten years will be predominantly for smaller unit types, with 1- and 2-person households accounting for over 73.3% of unit demand. Moreover, there will be no additional need for units accommodating 5-persons or more by 2030 with the existing unit composition in the market able to account for all future demand. The report concludes that both the scale of the development and the unit mix at the proposed site would align with the requirements for Dublin City; would greatly assist

in meeting the substantial shortfall that exists in the wider market, and would be an optimal use for the subject site given its strategic location in the city. The applicant has justified this mix in the Housing Need and Demand Assessment (HNDA) on the grounds that the proposed development is located in an established built-up area with limited development opportunities, which has experienced minimal to negative population growth over the past 20 years compared to either the city centre or outer suburbs. Notwithstanding the findings of the HNDA, the planning authority do not support the proposal in this regard and are of the opinion that the above ratio is such that there is an overconcentration of studio and one bed units. They are of the opinion that the very limited number of larger two or three bed units will fail to provide for the creation of an attractive mixed-use sustainable neighbourhood and ‘a good urban neighbourhood’ in compliance with Policies QH6 and SN1 of the Dublin City Development Plan 2016-2022. As stated in section 11.3.12 above, I am of the opinion that the proposal is generally in compliance with these aforementioned policies. The NTA is of the opinion that it is not evident that the proposed development is consistent with referenced transport and land use objectives related to diversity of tenure, a wider demographic profile or social inclusion.

11.4.3 The proposed unit mix is as follows:

Table 9:

	Studio	1 bed	2 bed	3 bed	Total
Apartments	540	603	418	53	1614
As % of total	33.5%	37.5%	26%	3%	100%

11.4.4 I note that studio and one-bed units comprise over 70% of the proposed residential mix with 3% of the proposal being three-bed units. I note the planning authority opinion when they state that this figure could be argued to be an unbalanced form of development, which does not lead to the creation of sustainable communities. I note Policy QH6 and SN1 in this regard which puts forward the principle of proposed developments containing a variety of housing types and tenures. The Urban Design Manual, in particular Criteria 03 and 04, ‘Inclusivity’ and ‘Variety’, are also noted. This puts forward the idea that in larger developments, the overall mix should be selected to create a mixed neighbourhood that can support a variety of people

through all stage of their lives. Presently, this established area could be described as a mixed neighbourhood and I am of the opinion that the proposed development will contribute positively to that. Again, I reiterate that as this is a build-to-rent development, the provisions of SPPR 8(i) of the Apartment Guidelines apply, which state that that no restrictions on dwelling mix...shall apply. This is the current policy context in which I am assessing the proposal.

- 11.4.5 Notwithstanding the above, I also fully accept that, within this established inner suburb, three and four bed houses have traditionally been well catered for, possibly to the detriment of other tenures and mix of housing. The documentation before me states that 60% of the units within the area are houses. I acknowledge the justification put forward by the applicants in the submitted 'Housing Needs Assessment and Unit Mix Analysis for Dublin City and Clonliffe Road'. I also fully acknowledge changing household sizes and the changing definition of what 'family' means and what is required to meet current and future demands. As stated in the NPF, seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. I have no information before me to believe that the mix of units would lead to the creation of a transient community.

Conclusion

- 11.4.6 To conclude, I acknowledge the concerns of the third parties, the planning authority and the NTA in relation to this matter and I too consider that a larger quantum of two and three- bed units would have enhanced the proposed development, allowing it to cater to a wider range of people. Notwithstanding this, I acknowledge the current proposal is catering to a certain cohort of the population, in an urban location that has traditionally been well served with larger units. I also acknowledge changing household sizes and the type of units required to meet current and future demands.
- 11.4.7 Importantly, I note that as this is a build-to-rent scheme and the provisions of SPPR 8(i) of the aforementioned Apartment Guidelines (2020) apply, which state that no restrictions on dwelling mix shall apply to such schemes. I acknowledge that these aforementioned guidelines take precedence over the operative City Development Plan. An Bord Pleanála must have regard to the national policy guidance currently in

place. The proposal is therefore considered to be in compliance with SPPR8(i) of the Apartment Guidelines.

Unit Mix/Material Contravention

- 11.4.8 The attention of the Bord is drawn to the fact that a Material Contravention Statement has been submitted with the application and the applicants have advertised same within their public notices, as required under the legislation. This Statement deals with the issue of building height, unit mix and floor area.
- 11.4.9 With regard to unit mix, it refers to section 16.10.1 of the Dublin City Council Development Plan 2016-2022, which sets out the requirements in relation the mix of dwellings provided as part of new apartment developments, which provides for a maximum of 25-30% one-bedroom units and a minimum of 15% three- or more bedroom units. The submitted Statement notes that ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) contains “Specific Planning Policy Requirement” in relation to dwelling mix requirements SPPR 1 and SPPR 8(i), which takes precedence over any conflicting policies and objectives of Development Plans.
- 11.4.10 The wording of the SPPRs, as set out in the aforementioned Sustainable Urban Housing guidelines is as follows:

Specific Planning Policy Requirement 1

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

Specific Planning Policy Requirement 8(i)

No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise.

- 14.4.11 The applicants contend that as this is a BTR scheme, no restrictions on dwelling mix apply; that the scheme is compliant with SPPR 8(i) as it post-dates the operative City

Development Plan and that the Development Plan must be read in light of SPPR 8 in regards to conflicting policies and objectives of Development Plans.

14.4.12 Under the Planning and Development Act 2000, it is open to the Bord to grant permission for development that is considered to be a material contravention, in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of permissions in the vicinity since the adoption of the development plan.

14.4.13 In terms of section 37(2)(b)(i), I note that the current application, which is for 1614 build-to-rent residential units on a site area of approximately 8 hectares, has been lodged under the strategic housing legislation and is considered to be strategic in nature. I note that some of the third party submissions received state that the proposal is not strategic in nature and does not justify a material contravention of the operative City Development Plan. I would not agree with this assertion. I note the overall scale of the development on an inner suburban site, close to Dublin city centre. I note that a masterplan has been prepared for the overall Z12 lands; that the lands have been identified as having substantial development capacity and have the potential to contribute to the achievement of housing targets as set out in the Core Strategy for the City. I also note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing from its current under supply set out in Rebuilding Ireland- Action Plan for Housing and Homelessness, issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban location close to public transport and centres of employment. I am of the opinion that the strategic importance of the delivery of housing units to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.

14.4.14 In relation to section 37(2)(b)(iii), I note that the operative Dublin City Development Plan standards with regards to unit mix is at variance with the aforementioned Apartment Guidelines (2020).

14.4.15 Having regard to the above, I consider that it is open to the Bord to grant permission in this instance and invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of the application and national policy guidance in this regard.

11.5 Design Approach/Density/Aspect/Open Space Provision/Permeability

Context

- 11.5.1 With respect to design and layout, a substantial number of documents accompany the application including the individual Architect's Design Statements, photomontages, together with detailed drawings for each block. A Housing Quality Statement provides details about individual apartments. A coherent design strategy has been put forward for the subject site.
- 11.5.2 The lands are bound by Clonliffe Road, Drumcondra Road, the River Tolka, and Belvedere sports pitches and residential development to the east, located approximately 1.7 km north of Dublin city centre. The former main entrance to Holycross College is located opposite Jones's Road on Clonliffe Road and there are gated accesses into the site from Drumcondra Road and Holycross Avenue, both of which are currently unused. A high wall forms the boundary along Clonliffe Road and the site in its current form adds little vitality to the streetscape at this location. The site is currently closed off to the public and the re-opening up of these lands will be a real positive to the wider community.
- 11.5.3 As stated above, the proposed development site forms part of a wider masterplan for the entire Holy Cross College lands which includes a permitted hotel development and future proposed GAA pitches and clubhouse (not part of this current application).
- 11.5.4 The application documentation includes for a Site Design Strategy, which states that the proposed development provides a build to rent development comprising of a range of residential typologies in a landscaped environment with associated tenant amenities. The goal is to provide an exemplar build-to-rent scheme, which fully embraces the build-to-rent ethos to provide quality architecture and environment for its residents.

Design Approach

- 11.5.5 The proposal involves the construction of a primarily residential development, which includes for 1614 residential apartments. The percentage of non-residential uses is stated to be 1.49% of the overall development which includes for a café, crèche and retail unit, together with tenant amenity facilities for future residents. The proposal is to be accommodated in twelve no. blocks- generally 8-13 storeys in height, incorporating three separate basements/podium levels, with an 18 storey feature element.
- 11.5.6 The scheme proposes five main character areas- Formal Green, Holy Cross and Cloister Garden, Arrival Gardens, Drumcondra Gardens and Clonliffe Road. Four different architectural firms have been involved in the proposal, each dealing with a different portion of the site. This variety of architectural approach to the scheme enhances the proposed development and results in the creation of very different areas in terms of architectural treatment, style, finishes and layouts while at the same time creating a relationship and consistency between the various areas. They are true character areas- as opposed to merely changing the brick colour on elevations which is very often the case.
- 11.5.7 The layout is such that the development gradually steps from four and five-storey perimeter blocks to a six storey shoulder height addressing the formal green. These blocks are complimented by two landmark blocks (13 and 18 storeys respectively) that are placed centrally within their respective character areas. The layout of Block C2 in Character Area 5 (Clonliffe Road) very much reflects the footprint and layout of the permitted hotel development on the opposite side of the entrance. This gives a sense of harmony to the two developments and a strong edge to the scheme entrance. It is also at this location that the site opens up to the wider public.
- 11.5.8 The subject lands contain a number of institutional buildings, some of which are Protected Structures. At the heart of the proposal is the restoration and transformation of the existing historical Seminary building and ancillary buildings and I consider that, notwithstanding the scale of the proposed development in proximity to these buildings, they retain their sense of place and their primary position within the overall site. Buildings on site were constructed between 1876 and 1969 and consist primarily of structures that were associated with its former institutional use.

The proposal includes for the refurbishment of all five elements of Protected Structure RPS No. 1901, and their incorporation into the proposed scheme (which includes for extension to Seminary building). Works are also proposed to the Drumcondra Road boundary wall entrance (listed under Archbishop's House RPS 2361). Further assessment of the architectural heritage is undertaken below.

11.5.9 A stated 25% of the overall site area is proposed as public open space.

11.5.10 Access is proposed from a widened entrance on Clonliffe Road, at the junction with Jones's Road and through the opening up of an unused access point on Drumcondra Road Lower at the junction with Hollybank Road. An additional cyclist and pedestrian access is proposed through an existing access point on Holy Cross Avenue. The Bord is referred to section 11.2 above for further assessment of public open space provision.

11.5.11 The operative City Development Plan sets an indicative plot ratio standard of 0.5 – 2.5 and site coverage standards of 50% on Z12 zoned lands. The proposed scheme has a plot ratio of 1.49 and a stated site coverage of 23%. The planning authority states that given its location, the existing structures on site and extensive scale of the subject site, together with numerous public transport facilities in close proximity, the lands could be considered to be an underutilised plot. They consider the plot ratio and site coverage to be acceptable in this instance, pending compliance with current development standards. I would concur with this opinion.

11.5.12 The planning authority have raised concerns in relation to the design, scale and massing of Block A1. Their concerns relate to the single elevational treatment, bulk and massing, particular the eastern elevation, and they consider that it would provide for a monotonous design and would, in their opinion, fail to create a sense of place for future residents. The resultant layout would be unacceptable and the applicant should be requested to review the design and layout of this block having regard to the need to create a sense of place, an appropriate scale, sufficient air and light to all units and adequate urban legibility. While I acknowledge the concerns raised, I consider that the matter is not so great as to warrant a refusal of permission. While I note the extensive length of the eastern elevation, I consider that taken in conjunction with the other proposed development in this zone, a sense of place and urban legibility will be provided for. While it is a block of considerable scale, I note

the transitions in height, scale and massing proposed and I am generally satisfied in this regard. (See below for assessment relating to residential amenity of units within Block A1).

11.5.13 I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The proposal will bring a new population into the area, it will provide a limited number of different retail/commercial offerings; will provide accessible public open space, together with the protection of the existing Protected Structures, all of which will be a positive for the local community.

Density

11.5.14 A number of the third party submissions received, including those of the Elected Members, raise concern with regards the density proposed and consider that the proposal represents overdevelopment of the site in terms of density, scale, bulk and height. The NTA states that that the long-term sustainability and attractiveness of high-density residential development in central areas such as this, is of critical importance. However, in this instance they have expressed reservations in relation to the proposal with regards diversity of tenure, social inclusivity and questions whether, based on unit mix, the proposal is catering to a wide demographic profile. The planning authority note that the operative Dublin City Development Plan sets no actual upper unit density limit for any zoned lands, including Z12, with each proposal to be assessed on its own merits. They continue by stating that the subject site is located in a central and accessible location beside Drumcondra Rail Station, in close proximity to a Dublin Bus QBC and will be serviced in the future by an upgraded bus connects route. The site is therefore suitable for a higher density of development in accordance with the principles established in the National Planning Framework. Notwithstanding this, they do state however that they have serious concerns that in an effort to create a higher density and yield for the proposed development, a number of apartments do not reach the minimum standards, which would result in a poor standard of residential amenity for the occupants. The matter of apartment standards/quality of residential units will be dealt with below.

11.5.15 Density at approximately 202 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. The site is

considered to be located in a central and accessible location, in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments (2020). The provision of high-density residential development on the site is considered to be in accordance with the zoning objectives pertaining to the site. The proposal is also considered to be in compliance with Policy QH7 of the operative City Development Plan, which seeks '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'.

11.5.16 I note the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009), in particular section 5.10 of these aforementioned Guidelines, which relates to Institutional lands. This states that in the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands, but this should be assessed in the context of the quality and provision of existing or proposed open space in the area generally. In this instance, as stated elsewhere within my assessment, I consider that the open character of the lands is being retained and that a high quality proposal in terms of proposed open space has been put forward. There is also good quality public open space existing within the wider area. Section 5.10 of the aforementioned Guidelines continues by stating that in the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph). In this instance, the proposed density at 202 units/ha exceeds the 35-50 units/ha, as is required. The layout of the proposal is such that the proposed units (and therefore density) are concentrated on the development site while other areas of the institutional lands, within the overall masterplan area, are not included in this proposal. The plot ratio and site coverage standards comply with those of the operative City Development Plan. No upper density limit applies to Z12 zoned lands with the operative City Development Plan and given the locational context of the site, the proposal is considered to comply with national guidance in this regard. Finally, this section of the Guidelines states that in the absence of an LAP, any application for development of institutional lands should be accompanied by a masterplan

outlining proposals for the entire landholding. As is previously dealt with, a masterplan of the entire landholding has been submitted with the application documentation. Having regard to the above, I am satisfied that the proposed development is in accordance with section 5.10 of the aforementioned 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) in relation to institutional land.

11.5.17 I am of the opinion that given its zoning, the delivery of predominantly residential development (with some commercial development in the form of a childcare facility, café and local retail) on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with the zoning objective for the site and with the policies and intended outcomes of current Government policy, including the National Planning Framework, which seeks to increase densities in suitable locations. The site is considered to be located in a central and accessible location, proximate to excellent public transport, within walking distance of the city centre. I therefore consider the proposed density to be acceptable.

Aspect

11.5.18 SPPR 4 of the aforementioned Sustainable Urban Housing Guidelines (2020) deals with the minimum number of dual aspect apartments that may be provided within any single apartment scheme and states that a minimum of 33% dual aspect units will be required in more central and accessible urban locations. I would consider this to be one such area, within an inner suburban location close to good public transport links and employment bases. The matter of aspect has been dealt with in the submitted Architects Design Statements. In addition, a Dual Aspect Analysis Report has been submitted with the application. It states that in total, 51% of the units proposed are dual aspect. I note that this figure excludes the proposed residential units contained in the existing Seminary building, but includes the proposed new build elements. I accept that if these units were included in the calculations, the overall percentage would be lower. However, the applicant states that this is due to the constraints of the adaption of the Protected Structures and the ability to provide for any dual aspect units therein. I consider this to be reasonable and acceptable.

11.5.19 In this regard, the planning authority states that there are serious reservations regarding the relatively low provision of dual aspect units (51%). Policy dictates that

apartment schemes in suburban or intermediate locations 50% of units should be dual aspect. The existing site is a mainly green field development and taking into account the opportunities afforded by the scale and orientation of the subject site and the low urban form of the surrounding context, it is regrettable that design solutions were not incorporated to ensure the proposed percentage of dual aspect homes was higher. The matter of quantum of dual aspect units was also raised in some of the third party submissions received.

11.5.20 I am satisfied with the quantum of dual aspect units proposed. While I acknowledge that this is largely a greenfield site, it is not without its constraints. I consider this to be a central, accessible area, as defined in the aforementioned Sustainable Urban Housing Guidelines (2020). It is within an established inner suburban area of the city, close to excellent public transport facilities. I note SPPR4 in this regard and consider the proposal to be in compliance with same.

Open Space Provision

11.5.21 Many of the third party submissions received have raised concerns in relation to this aspect of the proposal, namely concerns regarding the loss of open space for the wider community and primarily the loss of access to the lands, which have historically been available to the public. The lands appear to have been closed off since March 2020 and are largely inaccessible at the present time. The planning authority in their submission state that on balance the proposed public open space provision is the overwhelming positive element of the scheme and is likely to not only encourage active outdoor activities, rest and contemplation for future occupants of the scheme but will also allow for pedestrian permeability and a pleasant walking environment to be created between Drumcondra Road and Clonliffe Road.

Context

11.5.22 It is noted that a Landscape Design Statement and Arboricultural Report, which includes for Tree Survey data has been submitted with the application documentation. The documentation states that the landscape design has been planned in such a way so as to maximise the site's orientation and anticipated microclimate to create habitable, quality spaces which respond to human comfort encouraging residents and public into a safe and supervised space. A number of potential routes through the site have been identified, which will improve connections

with its surroundings and provide a better amenity for adjacent residential dwellings. Different landscape proposals have been put forward for each of the proposed character areas. The Formal Green, which is the largest element of public open space within the development, will be the heart of the development, framed on both sides by new buildings. The Seminary Walk is one of the most important zones in the landscape plan, it has a strong linear axis with tree planting responding to the bays of the Seminary. The Cloister Garden, while fully accessible to the public is an enclosed garden broken up by a series of terraces. All proposed areas are detailed within the submitted documentation.

Public Open Space

11.5.23 The Development Plan sets out requirements in relation to **public open space** on Z12 lands, namely a requirement for 20% of the site area. The matter has been dealt with above in section 11.2 and the Bord is referred to same. The following is noted:

Table 10:

Site Development Area	Required POS (20%)	Proposed POS
7.74 ha (77,400m ²)	15,400m ²	20,410m ² (25% of development area)

It is clear from the above, that the proposed development exceeds the Development Plan requirements in terms of quantum of public open space provision. Good quality spaces are proposed, catering to a range of different activities and age groups. The planning authority note that the proposal exceeds the 20% requirement and are satisfied in this regard.

11.5.24 One of the third party submissions received raises the matter of playing fields/MUGA for the playing of ball sports. I note section 4 (Landscape Strategies-Play + Quantum) of the submitted Landscape Design Statement. Play areas are provided throughout the site, which respond to age, context and ability. A series of exercise routes have also been identified. I note the existing game facilities within the wider area and the plans set out in the wider masterplan for playing pitches (which do not form part of this current application). I am generally satisfied in this regard. I am also

satisfied that the public open space layout provides a good response to the existing spatial structure of these former institutional lands.

Communal Open Space

11.5.25 In terms of **communal open space provision**, I note that the aforementioned Apartment Guidelines require the following minimum standards:

Table 11:

Studio	4m ²
One-bed	5m ²
Two-bed (3 person)	6m ²
Two-bed (4 person)	7m ²
Three-bed	9m ²

11.5.26 Communal open space is proposed as follows:

Table 12:

	No.	Area Required (m ²)	Area Provided (m ²)
Studio	540	2,160	
One-bed	602	3,010	
Two-bed (3 person)	115	690	
Two-bed (4 person)	304	2,128	
Three-bed	53	477	
Total	1,614	8,465	13,896

11.5.27 Semi-private communal courtyards are distributed throughout the site. I concur with the applicants when they state that these courtyards will offer significant amenity potential for the residents. The communal open space, whilst visually permeable, will have defined boundaries such as a 1.1m high railing with a hedge. The planning authority state that the overall communal open space provision is in excess of the minimum standards and is considered acceptable in principle. While they note the

rationale for delineating private, communal and public open space with planting and hedges, they express some concern for the privacy of ground floor units. If the Bord is disposed towards a grant of permission, I consider that this matter could be dealt with by means of condition. Overall, I am satisfied with the quantum and quality of communal open space provided and am of the opinion that the public and communal open space is such that it will be an attractive place for future residents to reside. Communal open space provision is additional to the proposed internal tenant amenity spaces, which comprise a stated 3,504m².

Private Open Space

11.5.28 **Private open space** is provided to many of the proposed units within the scheme, with the exception of the studio units within the A blocks (177 units) and the units within the original Seminary building. The lack of private open space provision to the units within the original Seminary building is justified by the applicants on the basis that this would involve significant interventions to the front of the Protected Structure. I accept the absence of private open space within the original Seminary building due to the historic nature of the structure and consider that it would be wholly inappropriate to provide balconies to the front elevation of this historic structure. Effectively this is being done in the interests of architectural heritage protection. I also note that the units within the proposed extension to the Seminary building all have access to private open space provision.

11.5.29 All apartments have access to a range of communal facilities and amenities, although my concerns regarding the actual use of such amenities has been detailed above. The BTR nature of the proposed development is noted and I refer the Board to SPPR 8(ii) of the aforementioned Apartment Guidelines in this regard which allows for flexibility in the provision of private open space amenity. It is noted that compensatory communal open space is provided within the A blocks. The error in the HQA is noted in terms of private open space within Zone 1 (A blocks). This error is not material.

11.5.30 The planning authority raise concerns regarding the quantum of units that do not have private open space provision. While they note that compensatory communal open space is provided within the A blocks, they consider that the lack of private open space provision further detracts from the residential quality of these units and

they have serious concerns in relation to the quality of these single aspect studio units with no private open space provision. I would not disagree. The quality of units is dealt with below. It is the cumulative impacts of the lack of provision of balconies, combined with the small size of units and concerns in terms of daylight and sunlight provision that raises serious concerns with the planning authority in terms of the quality of residential amenity being afforded to future occupants. I agree with the planning authority that the provision of private open space to these studio units would greatly enhance their residential amenity. While I note SPPR 8(ii) in relation to flexibility in private open space provision, I do note that the units without private open space in Block A1 are some of the smallest units within the scheme, many at 37 square metres, and are all single aspect. I too question the cumulative impacts that the lack of such private open space has on the level of residential amenity being afforded to these units. I deal with this matter in the section entitled 'Quality of Proposed Residential Development'.

11.5.31 Notwithstanding the above, I again refer the Bord to SPPR 8(ii) of the aforementioned Apartment guidelines (2020) which allows for flexibility in private open space provision in such BTR developments. The planning authority are of the opinion that if permission is granted for the proposed development, the 177 studio units within the A Blocks should be provided with private open space provision. Given the overall numbers involved, I would not disagree with the planning authority in this regard, however I would express some reservations as to how this would impact on the elevational treatments. I refer the Bord to concerns expressed below in the 'Quality of Proposed Residential Development' section. I am of the opinion that the proposed Block A1 should be omitted from this current proposal in its entirety, with a new application lodged at a future date which addresses the concerns raised. In the interim, this area could become part of the public open provision.

Permeability

11.5.32 As stated above, the vast majority of third party submissions received express concerns that the long established public access across the lands will be limited/curtailed by the proposed development. In response to this concern, I note that the applicant's state within the Landscape Design Statement (page 112) that all parts of the site indicated as public open space will be fully accessible to the public. The design ensures that there are no proposals for any form of restriction to access

in the form of gates or similar. The applicant would be content to accept a condition to any grant of planning permission requiring that the public open space be maintained as fully accessible to the public. I note that section 7 of the submitted EIAR also states that during the construction phases, there will be no severance of land, loss of rights of way or amenities as a result of the proposed project. I consider that this response should allay the concerns expressed by the local residents in this regard. If the Bord is disposed towards a grant of permission, the matter could be adequately dealt with by means of condition.

11.5.33 Some of the third party submissions received have raised issue that a bridge over the River Tolka is not proposed as part of this current application. The planning authority have not addressed this matter in their Chief Executive Report and I note that there appears to be no policy regarding same within the operative City Development Plan. I note that the applicants do not own lands on the opposite side of the Tolka River. I note section 7.3 of the Richmond Action Area Plan (2007) states that in relation to Richmond Road 'On an alignment with Waterfall Avenue, any redevelopment will include a pedestrian/ cycle bridge across the River'. The date of this plan is noted and appears to have expired. I note the location of Waterfall Avenue removed from the subject site and the extent of land between the subject site and Waterfall Avenue. Section 20.4.2.1 of the submitted EIAR states that the layout and internal road network of the proposed project has been designed to tie-in with a potential future bridge traversing the River Tolka to the north of the site. This is indicated in Figure 20.5 of the submitted EIAR. This bridge is not formally proposed within the current application. While noting the above, it is acknowledged that proposed pedestrian permeability is good and will be an improvement on that currently existing. I acknowledge that a pleasant walking environment will be created between Drumcondra Rd and Clonliffe Road. While the planning authority do not reference any bridge, they do note that a variety of routes have been incorporated into the proposal to traverse the site from north-west to south-east, which will connect the spaces and provide maximum permeability and choice in a safe and pleasant environment. I also note that the submitted masterplan also contains a looped walk and possible future connections to Grace Park Rd to the North (these are not included in the current application and do not form part of the assessment).

The quality and nature of the public open space provision is welcomed and will be a significant public gain. I am generally satisfied in this regard.

Conclusion

11.5.34 To conclude this section, I am satisfied with the design approach proposed and consider that the proposal will provide for a quality scheme at this location. I am also satisfied with the density proposed, given the locational context of the site and current Government policy in this regard. The number of dual aspect units is also considered acceptable. In terms of open space provision, a high quality proposal has been put forward in terms of public and communal open space provision and I am satisfied with the access arrangements set out. In terms of private open space provision, while I note the extent of studio units, in particular, that do not have access to private open space, I acknowledge that this is a BTR scheme and the provisions of SPPR 8(ii) of the aforementioned Apartment Guidelines are noted in this regard. Notwithstanding this, given the extent of studio units within Block A1 without private open space provision, taken in conjunction with their limited floor area and single aspect nature, I recommend that if the Bord were disposed towards a grant of permission and were so minded, they could omit Block A1 from this current proposal and the affected area become part of the public open space provision.. A new application could be lodged at a future date for this area, which addresses the concerns raised.

11.6 Building Height/Material Contravention

Building Height

11.6.1 I have considered the third party submissions received, almost all of which raise concerns with regards the height of the proposed development and its impacts at this location. The Elected Members, as contained in the Chief Executive Report, also raise concerns with regards a justification for the height proposed. Many of the submissions received state that the proposed height is such that it would dominate existing buildings in the locality and would be out of character with the existing area. The planning authority state that despite the large scale of the buildings on the subject site, the vast majority are not unduly prominent and are in alignment with the surrounding context. They have some reservations regarding the visual impact of Block D1 (18 storey building) and are of the opinion that a number of the distance

views, in particular from the south of the site along Jones's Road and from the north along Grace Park Road indicate the significant transition in scale from the existing surrounding urban context and the proposed scheme, in particular Block D1.

However, the planning authority are of the opinion that the inclusion of a taller feature/landmark building, such as Block D1, may be considered acceptable visually, especially if the overall scheme represents a high quality residential development.

Setting aside serious concerns regarding the residential mix of units, including reservations regarding the high number of single aspect units and the internal figuration of the proposed buildings, the planning authority consider that the visual impact of the vast majority of the blocks is not considered to be negative and is unlikely to have a detrimental visual impact on the subject site or the surrounding context.

11.6.2 In terms of building height, I refer the Bord to further assessment under section 13 of the submitted EIAR, Landscape and Visual, together with the following section relating to material contravention.

11.6.3 The proposal seeks to introduce a cluster of tall and mid-rise buildings in a predominately low rise setting, ranging in heights from 4-18 storeys. The maximum height proposed is 18 storeys (Block D1 which is in excess of 60 metres) and it is classified as a tall building under the definition of the Dublin City Development Plan (defined as buildings over 50m in height). There is also one no. mid-rise building, with a height of 13 storeys (Block A4.3 which is in excess of 43 metres). It is noted that the proposed blocks to the north of the former Seminary - Blocks B1, B2 and B3 and to the south Block C1- are broadly comparable to, but higher than the main Seminary building.

11.6.4 It is noted that the height and massing of the proposed buildings has been addressed in the submitted Architectural Design Statements. A Taller Buildings Strategy has also been set out. A number of visualisations and photomontages have been submitted with the application documentation. The applicant has submitted a Material Contravention Statement with respect to the heights proposed and the application has been described in the public notices as a material contravention of the operative City Development Plan.

- 11.6.5 Section 16.7 of the operative Dublin City Development Plan deals with the issue of building height and acknowledges the intrinsic quality of Dublin as a low-rise city. There is also a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. Section 16.7.2 identifies building heights for the city specifically refers to height limits for low-rise, mid-rise and taller development. Rail hubs are identified as being within 500m of existing DART stations, which is of relevance to the subject site as it is within 400m of Drumcondra rail station. It is noted that certain specific areas of the city have been identified as being appropriate for heights in excess of 50 metres. The Building Height in Dublin Context Map (Chapter 16, Fig. 39) identifies four locations across the city suitable for buildings of 50m+. Areas are also identified for Medium Rise (max. 50m). The subject site is not identified for either High Rise or Medium Rise development within this context map. However, the table “Building Heights in Dublin” states that rail hubs can have a maximum height of 24m. It is noted that the site is located within 400m of a rail hub, namely Drumcondra Station.
- 11.6.6 It is noted that seven of the twelve blocks, (exception being A2, B1, B3, C2 and E1/E2) exceed the 24m cap for rail hubs. The maximum height proposed is 62.52m (as measured from ground level to parapet height). See Table 3 above. Examining the proposal before me, while I note that many of the proposed blocks contravene the City Development Plan in terms of height, being slightly in excess of the 24 metre cap (by 1-2 metres), I am of the opinion that only two blocks ‘materially contravene’ the operative City Development Plan in this regard, namely Blocks A4 and D1 (at 43.67m and 62.52m respectively). However, as the development exceeds the height explicitly stated in the Plan for such areas, I will address all blocks in excess of 24m as a material contravention, see following section below. This is also the approach taken by the applicants within the submitted Material Contravention Statement. This material contravention is objected to in many of the third party submissions received. The planning authority have not specifically addressed the matter of material contravention in relation to building height. They have assessed the proposed height in the context of the Urban Development and Building Height Guidelines.
- 11.6.7 The operative City Development Plan states that in all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in Section 16.7 of the Plan. I have had regard to section 16.7 of the operative City

Development Plan in assessing this proposal. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. It is acknowledged that the operative City Development Plan Height Guidelines have been superseded by the Urban Building Height Guidelines.

11.6.8 Section 3.1 of the Building Height Guidelines present three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights (note my response is under each question):

1. *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

My Opinion: Yes – as noted and explained throughout this report by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres. The planning authority is also of the opinion that the site is suitable for a higher density of development in accordance with the principles established in the National Planning Framework

2. *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

My Opinion: No - due to the blanket height limits applied in the Development Plan which predates the Guidelines and therefore has not taken clear account of the requirements set out in the Guidelines.

3. *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align*

with and support the objectives and policies of the National Planning Framework?

My Opinion: It cannot be demonstrated that implementation of the policies, which predate the Guidelines support the objectives and policies of the NPF.

11.6.9 In addition to the above, I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. This states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town; at the scale of district/neighbourhood/street; at the scale of site/building, in addition to specific assessments. I am of the opinion that this has been adequately demonstrated in the documentation before me and the proposal has the potential to make a positive contribution to this area and I note the following:

At the scale of city/town:

- Locational context of the site, being within 2km of O'Connell Street and North Docks and within 3km of the Dublin 2 office district.
- Site is well served by public transport with the nearest DART station at Drumcondra being within 400m of the site. The site is also proximate to a high frequency bus corridor. From the city centre, national rail and bus links can be easily accessed.
- A Landscape & Visual Impact Assessment (contained within section 13 of the accompanying EIAR) was submitted with the application documentation. I am satisfied that there will not be an unacceptable impact
- The proposed taller buildings will provide a focal point within both on the wider city skyline and within the development itself- taller buildings located such as to minimise any visual impact on both the existing external and internal context.
- The variety of heights proposed responds well to both the existing surrounding land uses including historic structures on/adjacent to the site and the proposed open spaces. The height of nearby Croke Park stadium is noted.

- Proposal will introduce new height, architectural expression and layouts into this established area and will establish its own character. I am satisfied that the development proposal would successfully integrate into and enhance the character of the area.
- The proposed development will make a positive contribution to place-making by virtue of new streets, public spaces and the opening up of the site. The significant area of public open space will make a positive contribution to the natural and built environment of the wider area
- The planning authority is of the opinion that despite the large scale of the buildings on the subject site, the vast majority of the buildings are not unduly prominent and in alignment with the surrounding context. The inclusion of a taller feature/landmark building, such as D1, may be considered acceptable visually, especially if the overall scheme represents a high quality residential development.

At the **scale of district/neighbourhood and street:**

- The architectural standard proposed, with variety of styles, architectural expression and materiality, is such that that it provides a good response overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape at this location. It will create a new quarter within this area and will become a positive addition to the skyline of Dublin.
- The proposal is not monolithic in nature. It comprises 12 blocks of varying heights and setbacks
- A masterplan for the wider lands has been submitted, as required by the operative City Development Plan.
- While I acknowledge that this is a predominantly residential scheme (in line with the Z12 zoning objective), I do note the limited non-residential uses proposed including childcare facility, café and retail uses. These non-residential uses will be available to the wider community. In addition, within the masterplan lands, permission has recently been granted for a hotel (ABP-

308193-20) and there are plans for GAA pitches and clubhouse (not permitted). The mix of uses within this established area is also noted.

- The proposal will contribute to the vitality of the area and while I have expressed reservations in relation to the proposed residential mix and exclusive BTR nature of the scheme, I do note national policy guidance in this regard.
- Improved permeability and legibility through the site will be a benefit for the wider community. Permeability is currently limited by the defensive nature of the site.
- The proposed public realm improvements and public open space provision (25% of site area) will be a positive for the wider community. The planning authority is of the opinion that proposed scheme will enhance the presentation of the site to Drumcondra Rd and Clonliffe Road by redefining the entrances to the subject site and therefore enhancing and encouraging use of the new public realm within the site.

At the **scale of site/building**:

- Microclimate reports submitted demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.
- Adequate separation distances are proposed between buildings.
- The proposal will provide a good urban design solution for the site. Site specific impact assessments, included with the application, have been referred to throughout my report and I am generally satisfied in this regard.

11.6.10 The principle of a higher element surrounded by blocks of a lower height is considered acceptable in principle at this location and I consider that the proposal does not represent over-development of the site. This is considered to be a strategic site due to its locational context within an established area, close to excellent public transport links. The opportunity for such an area of land to be developed as a comprehensive block so close to the city is quite unusual and it is imperative that it is developed appropriately. I am of the opinion that the heights proposed are

appropriate for this site and that a suitable design rationale has been put forward in this regard.

11.6.11 I am of the opinion that existing tall structures visible on the Dublin skyline, which include for the Croke Park stadium, (which is an ever-present view from the site given its proximity), together with church spires, industrial buildings, the Poolbeg towers and the Spire- all reflect defined periods within the changing city in which we live. The historic buildings on site were themselves of greater scale than much of the surrounding built environment when they were constructed. A successful city is one which evolves and adapts over time to cater for the needs of its citizens, whilst respecting what has gone before. Each period adds its own additions to the skyline reflecting this evolution. It has been acknowledged in both the operative City Development Plan and within section 28 guidelines, that although low rise in nature, certain areas of the city have the capacity to accommodate buildings of greater height. While this site has not been specifically identified, I note national guidance in this regard. Due to its locational context and site size, I am of the opinion that it has the capacity to accommodate taller buildings without undue detriment to the character or setting of the city skyline. The proposal will not negatively impact on protected views within the city to such an extent as to warrant a refusal of permission.

11.6.12 Elements of the proposal will, without doubt, be visible from various vantage points within the city, both within the near distance and from further afield. I don't consider this to be a negative. However, it is for this reason that a development of architectural excellence is so critical- the elevational expression, the scale and massing, together with the quality of the finishes. I am generally satisfied that the proposal before me puts forward a quality architectural response to the site and its specific characteristics.

11.6.13 With regards the issue of precedent for the taller element, I am aware that a grant of permission for this higher element may be cited as precedent for developments of similar height within the wider area. I am however cognisant of the policy with the operative City Development Plan, together with national guidance in this regard. While I consider that this subject site may have capacity for higher elements at the locations proposed, given its locational and site context, I am of the opinion that every site within the city area does not have such capacity and that a grant of

permission on this subject site does not set precedent for taller buildings on other sites in the vicinity. Every application is assessed on its own merits and the Urban Development and Building Height Guidelines (2018) give detailed guidance as to what sites may be considered as being appropriate for such higher elements.

Material Contravention in relation to Building Height

- 11.6.14 The attention of the Bord is drawn to the fact that a Material Contravention Statement has been submitted with the application and the applicants have advertised same within their public notices, as required under the legislation. This Statement deals with the issue of height, unit mix and floor areas.
- 11.6.15 In terms of building height and as outlined above, the City Development Plan Height Strategy identifies a building height cap of 24m for residential development within 500m of a Rail Hub. The subject site is one such site and a 24m cap applies. The maximum building height proposed in this current application is in excess of 60m and many of the proposed residential blocks, with the exception of 5 blocks, exceed this 24m cap. It is noted however, that most of the exceedances of the 24m limit are marginal, generally 1-2 metres above the cap. Two blocks substantially exceed this 24m limit namely, Blocks A4 and D1 (at 43.67m and 62.52m respectively).
- 11.6.16 The applicants refer to The Urban Development & Building Height Guidelines (2018) in support of their argument in this instance and note SPPR1 of these guidelines which states, inter alia, that planning authorities shall not provide for blanket numerical limitations on building height. I acknowledge that the operative City Development Plan was published prior to the publication of these Guidelines. The applicants state, inter alia, that their rationale for increased residential height is due to the strategically located nature of the site, proximate to the city centre. The increased height and density on this large site enables greater consolidation of the Dublin city area through the provision of residential development in established communities within easy walking, cycling and public transport of both the city centre and its major employment zones.
- 11.6.17 As stated above, I am of the opinion that this particular area can accommodate the increased height proposed and should not be subject to a 'blanket numerical limitation'. The design proposed has taken full account of its setting with the taller blocks located in appropriate locations. I acknowledge that the number of units

proposed will assist in achieving national policy objectives for significantly increased housing delivery in an urban area with substantial amenities, in an area with good public transport accessibility. Furthermore, having regard to the size and configuration of the total site area, at approximately 8 hectares, together with its setting, it is considered that the subject site can accommodate increased heights over those prescribed in the Development Plan.

- 11.6.18 Having regard to my assessment above which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3(A)(1) and having regard to SPPR 3(A)(2) of the Building Height Guidelines with respect to wider strategic and national policy parameters as referenced throughout this report, I am satisfied that the criteria have been complied with.
- 11.6.19 Under the Planning and Development Act 2000, it is open to the Bord to grant permission for development that is considered to be a material contravention in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of development and permissions granted in the vicinity since the adoption of the development plan.
- 11.6.20 I am of the opinion that a grant of permission that would materially contravene section 16.7.2 of the Dublin City Development Plan 2016-2022, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, on the following basis.
- 11.6.21 In terms of section 37(2)(b)(i), I note that the current application, which is for 1614 build-to-rent residential units, has been lodged under the strategic housing legislation and is considered to be strategic in nature. I have addressed this matter above but to summarise, I note that a masterplan has been prepared for the overall 'Objective Z12' lands, that the lands have been identified as having substantial development capacity and have the potential to contribute to the achievement of housing targets as set out in the Core Strategy for the City. I also note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing and to facilitate the achievement of greater density and height in residential

development in an urban location close to public transport and centres of employment. I am of the opinion that the strategic importance of the delivery of housing units to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.

11.6.22 In relation to section 37(2)(b)(iii), I note the Building Heights Guidelines for Planning Authorities (December 2018), which provides a policy basis for increased building heights at appropriate locations. Specific Planning Policy Requirement SPPR 1 of the Guidelines provide that planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development... and shall not provide for blanket numerical limitations on building height. While I note the height limits set out in section 16.7.2 of the operative City Development Plan, I am of the opinion that it could be argued that a blanket numerical limitation of 24m for residential development and 28m for commercial development applies to the area within the Dublin city administrative boundary, with certain, very limited areas identified for buildings of greater height. Policy set out in the operative City Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city, which should predominantly remain so. Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met. I have had regard to the aforementioned performance criteria (see above) and am satisfied that they are substantially being met in this instance.

11.6.23 The National Planning Framework – Ireland 2040 fully supports the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I note Objectives 13 and 35 of the NPF in this regard. Objective 13 states that ‘In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected’. Objective 35 promotes an ‘Increase residential density in

settlement, 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'. I consider this to be one such suitable site.

Conclusion

11.6.24 I consider that having regard to the above, there is sufficient justification for the Bord to invoke their material contravention powers and grant the height as proposed in this current application. Thus, I am satisfied that the proposal can be granted with respect to section 37(b)(2)(i) and (iii) of the Planning and Development Act, due to the strategic nature of the development and national guidance in this regard.

11.7 Visual Amenity

11.7.1 I refer the Bord to section 13 of the submitted EIAR which deals with 'Landscape and Visual'. Further assessment of this matter is dealt with within the relevant EIAR section below. The submissions of third parties and the planning authority are noted in this regard. Many of the third parties raise concerns regarding impacts of the proposal on visual amenities and concerns regarding transitions in scale. The planning authority are generally satisfied in this regard. They acknowledge that that the scale of the proposed scheme is undoubtedly large and the applicant has incorporated the use of setbacks and changes in the palette of materials in an attempt to help break up the scale of the buildings and also to help harmonise the proposal with the surrounding urban context. I am satisfied that this has been achieved in this instance.

11.7.2 This section is closely linked to the preceding section 'Building Height/Material Contravention' and I refer the Bord to same.

11.7.3 A Visual Impact Assessment, Landscape Design Statement and photomontages have been submitted with the application. The submitted documentation shows the proposed development in the context of the existing surrounding area. A rationale for the proposed height has been outlined and this is set out above. The applicants contend that the proposed design will enhance the urban character of the area. The visual impact assessment states that the proposed development will not have a significant visual impact on the surrounding area, given the high quality design and materials proposed.

11.7.4 The proposal, will without doubt, have impacts on views within the surrounding context and from various vantage points across the city. Having examined the documentation before me, including verified photomontages, I am of the opinion that the two most prominent elements, namely Blocks A4 and Block D1, will be the most visible elements of the proposal. The massing and heights of the proposed development, in particular these two aforementioned blocks, is generally considered acceptable. I am of the opinion that the proposed development incorporates an innovative and high quality contemporary design response that respects the sensitivities of the site.

11.7.5 The Masterplan identified three significant views within the college lands, which informed the development of the layout:

- The view of the Holy Cross Church from the entrance avenue;
- The view of the main Seminary Block from the entrance avenue; and
- The view of the main Seminary Block from the Red House.

11.7.6 Impacts on views are noted – see section 13 of EIAR and assessment below in this regard. I am satisfied that the impacts on these views would not be so great as to warrant a refusal of permission. There will inevitably be impacts on the setting and views to/from the Protected Structures, both on site and immediately adjoining, if the proposed development were constructed. However, I do not necessarily consider this to be a negative, provided that the proposed additions are quality interventions that sit comfortably with these historic structures. I have examined all the documentation before me and I acknowledge that the proposal will result in a change in outlook as the site changes from its current institutional use to a site accommodating development of the nature and scale proposed. As the site is opened up, it will become more visually prominent than is currently the case. Again, I consider this to be a positive. Without doubt, there will be significant long term impacts on the visual landscape context of the area. This is inevitable when dealing with taller buildings and is not necessarily a negative. The skyline is an ever evolving entity within a thriving, ever evolving city. What is of primary importance to me is that these new interventions provide a quality addition to the skyline of the city. This will be dealt with below.

11.7.7 I have inspected the site and viewed it from a variety of locations across the north and south city area. I have also reviewed all the documentation on the file. I am of the opinion that while undoubtedly visible, the proposal would not have such a detrimental impact on the character and setting of key landmarks and views within the city, as to warrant a refusal of permission. There is greater potential for visual impacts at a more local level and this is acknowledged. I also acknowledge that the character of the area will be altered- again not necessarily a negative. I note some of the submissions received raise concerns that the transition in scale between that existing and that proposed will be significant and that associated visual impacts will be high. I consider the transition in scale to be acceptable in this instance having regard to the mixed character of the area. I note single storey cottages and two-storey housing sitting side by side with five storey apartments blocks and of course the ever present Croke Park stadium, a landmark feature in the area. The height of the recently permitted seven-storey hotel within the overall masterplan lands is also noted. It is the mix of heights, architectural expression and uses that give this area its character. I have no doubt that the proposed development will add to this existing character, bringing a new dimension to this area of the city. I am satisfied that the proposed development will not impact negatively on the character or setting of historic structures; will add visual interest; will make a positive contribution to the skyline and will improve legibility within this city area and that its height, scale and massing is acceptable in townscape and visual terms. The planning authority state that notwithstanding their concerns regarding other elements of the proposal, the visual impact of the vast majority of the blocks is not considered to be negative and is unlikely to have a detrimental visual impact on the subject site or the surrounding context. I would concur with this assessment.

11.7.8 Section 16.7.2 of the operative City Development Plan sets out assessment criteria for high buildings and this has been detailed above. Policies relating to architectural excellence include Policy SC17, SC25 and SC26. I am generally satisfied with the standard of architectural quality put forward in this instance and consider the proposal to be generally in compliance with these aforementioned policies. I am cognisant of the balance that is required to be achieved between design aesthetic and functionality. I am generally satisfied with the slenderness of the structures proposed. As has been stated above, I am also satisfied with the principle of a taller

building on this site. Given the relatively low rise nature of the Dublin skyline, the proposed higher element (Block D1) will in all likelihood, become somewhat of a landmark feature on the city skyline. The Collins Dictionary defines 'landmark' as 'a building of feature which is easily noticed and can be used to judge your position or the position of other buildings or features'. The proposed higher element will become a landmark by virtue of its height and architectural expression and it will be used to judge one's position within this area of the city. This is welcomed.

11.7.9 I am of the opinion that the proposal will make a positive contribution to the urban character of the city and will result in the creation of a new urban quarter in this inner suburban area. The proposed works to the Protected Structures will be a major contributor to their protection and re-use into the future. The proposal in its totality will, without doubt, positively contribute to the city's built and natural environments. There was an opportunity to create an architecturally distinctive development for this site and I consider that this opportunity has been successfully explored. Block D1 displays a level of quality, consideration and materiality, which gives a confidence that the building will age well into the future. The proposal, including the taller Block D1, will in my opinion be a positive addition to the skyline of the city and I am not unduly concerned with regards the matter of visual impacts.

Materials Strategy

11.7.10 This is a development of significant scale and the appropriate selection of materials, in terms of colour, tone, texture and durability is therefore crucial. This is particularly important given the sensitivities of the site. A Façade and Materials Strategy has been submitted for each element of the development, contained within the individual Architectural Design Statements. The matter of materiality has been well considered in the documentation and the primary material for the scheme is brick, of varying tones and textures, which seeks to reflect the materiality of the wider, established area. This is reflected within each of the individual character areas. I am satisfied with the approach taken in this regard, which will add variety to the proposed scheme. I am satisfied that if the Bord is disposed towards a grant of permission, that exact details relating to this matter could be adequately dealt with by way of condition.

11.8 Architectural Heritage

- 11.8.1 I note that the matter of impacts on architectural heritage has been raised in some of the third party submissions received, including that of An Taisce. Concerns have been raised that the proposal would have negative impacts on the existing Protected Structures within the site. A detailed report has been received from the Department of Housing, Local Government and Heritage, which is summarised above. A detailed report has also been received from the Architectural Conservation Officer of the planning authority, as contained in the Chief Executive report. I refer the Bord to both reports.
- 11.8.2 The Bord is referred to section 14 of the submitted EIAR (Cultural Heritage-Architectural Heritage) and to the detailed assessment undertaken below within the EIAR assessment. It is recommended that this section be read in conjunction with that aforementioned section of the EIAR assessment below.

Context

- 11.8.3 The Bord is referred to the submitted documentation for a detailed description of the proposed works to the existing buildings on site. However, in summary, the proposed development includes the demolition of a number of substantial existing office/former Seminary college buildings, including the New Wing and Library Wing buildings and later extensions to the Seminary building. Alterations to the existing structures are proposed, together with the construction of a proposed new five-storey block directly to the rear of the Seminary building. This will allow for the construction of new apartments facing the cloister garden and includes for the construction of new lifts and staircases. Refurbishment and repair of the retained historic fabric of all structures is proposed. The Chapel and the Assembly Hall are being retained and restored as tenant amenity spaces and a number of specified items will be removed from the Chapel. Mosaic panels to the cloister will be retained. The cloister garden will be restored and conserved for circulation and amenity use. Proposed works also include for the excavation and construction of a single-level basement beneath part of the 'Formal Green' - the central garden area in front of the former Seminary building. It is proposed to relocate the existing stone gate pier along the Drumcondra Road boundary wall entrance to a new location further south, in order to facilitate the widening of the existing opening in this location.

11.8.4 The site does not include the Archbishop's Palace or the Red House, but it is acknowledged by all parties that these are very significant buildings within the overall context of the subject site. The Red House is stated to be the earliest building in the vicinity and the first building used to establish Holy Cross Seminary.

11.8.5 The Record of Protected Structures, RPS Ref. No. 1901 includes the following structures on site:

- The Main College Building (1863); Holy Cross Church; South Link Building; Ambulatory; Assembly Hall. The boundary wall on Drumcondra Road is included in the Protected Structure.

11.8.6 The Record of Protected Structures, RPS Ref. No. 1901 includes the following structures on adjoining sites:

- The Red House (RPS Ref. No. 1902) - Red House (detached Georgian house in grounds of Clonliffe) and
- Archbishop's House at 81 Drumcondra Road Lower (RPS Ref. No. 2361) – Archbishop's House: detached Victorian residence/office; gate lodge at entrance; entrance gate piers, railings and plinth walls are within the overall grounds but are not included within the subject site.

11.8.7 The Red House is also within a zone of **Archaeological Interest** and is included on the Record of Monuments and Places, Ref. No. 018 - 019.

11.8.8 In addition, the following buildings are identified on the **National Inventory of Architectural Heritage (NIAH)**:

- (i) Holy Cross College (Reg. No. 50120175), Regional Rating,
Categories of Special Interest – Architectural, Cultural, Historic, Social
(Description includes the Main Block, Ambulatory, New Wing and Library Wing)
- (ii) Holy Cross College Chapel (Reg. No. 50120176), Regional Rating,
Categories of Special Interest - Architectural, Artistic, Cultural, Historic, Social

Adjoining Sites

- (iii) The Red House (Reg. No. 50120177), Regional Rating,

Categories of Special Interest – Architectural, Artistic, Social, Archaeological, Historical

- (iv) Archbishop's House gateway and boundary walls (Reg. No. 50120173), Regional Rating,

Categories of Special Interest – Architectural, Artistic, Social, Technical

- (v) Archbishop's House (Reg. No. 50120174), Regional Rating,

Categories of Special Interest – Architectural, Artistic, Historic, Social

11.8.9 In addition to the above, it is noted that to the south-west of (but not adjoining) the subject site are brick-terraced residences, the majority of which are Protected Structures and are within zoning '**Objective Z2**', the objective of which is 'to protect and/or improve the amenities of residential conservation areas' on the eastern side of Drumcondra Road Lower.

Reports of Planning Authority and Department of Housing, Local Government and Heritage

11.8.10 The report of the Conservation Officer, as contained within the Chief Executive Report provides a detailed and thorough assessment of the proposed development and I refer the Bord to same. In the interests of brevity, I shall broadly summarise this report. It states that the proposed alteration, refurbishment and re-use of the Seminary building to provide new long-term residential accommodation would be supported in principle. The general principle of its redevelopment replicates that of the original historic layout. It is accepted that significant interventions are required to facilitate a new use in the Protected Structure and that the placement of the new extension directly adjacent to the rear elevation of the Seminary building reduces the impact on the footprint of the cloister garden that an atrium design approach would have created.

11.8.11 Notwithstanding the above, there is some concern expressed in relation to the over-concentration of a dominant typology of small dwelling units (70% of studio/bedsits and 1-bed units) within the proposed development, that will seriously impact on the historic buildings and is likely to result in an intensification of use that might not be appropriate for the long-term maintenance and conservation of the Protected

Structures. I have dealt with this matter of unit mix elsewhere within my planning assessment.

11.8.12 One of the greatest concerns of the planning authority in relation to architectural heritage, as expressed in the report of the Conservation Officer, relates to the impact of the proposed development on the architectural setting of the Red House, the earliest building on the overall Holycross lands. It is noted that this structure is not included within the red line boundary. It is considered by the planning authority that the Red House will be significantly and adversely affected by the proposed development. They fully recognise that the formal curtilage and setting of this Protected Structure has been adjusted as the Seminary buildings were constructed in the 19th and 20th century. However, they consider that it still enjoyed a very respectful buffer zone in front of its principal façade. They note the retained mature trees along the entrance avenue from Clonliffe Road, and the avenue of trees that extend in a broadly east-west direction to the northwest corner of the Red House. Although, the planning authority acknowledge that the Red House currently faces part of the gable elevation of the Library Wing, this is considerably well-removed from the principal elevation at a distance of approximately 128m, compared with the 35.3m distance proposed in this current application. They further acknowledge that some mitigation is facilitated by the diagonal view between the Red House and the principal façade of the former Seminary Building by the proposed alignment of Block B3, together with the substantial number of trees along the east-west avenue that are intended to be retained as part of the proposed development. Notwithstanding this, they are of the opinion that its architectural setting will be considerably diminished by the proposed development overall.

11.8.13 They recommend a reduction in Block B3, to help reduce the adverse impacts on its setting. They also express serious concern that this building is no longer part of the subject site, (and thus is at risk of being side-lined), together with other concerns in relation to boundary lines. It is noted that it is outside of the red line boundary and I can only assess the proposal within the red line boundary. However, I highlight that the impact of the proposal on the character and setting of Red House is a consideration of this assessment. The planning authority also express concerns in relation to the use of the proposed main vehicular access for overflow car and coach parking on the GAA playing pitches between the northern site boundary and the

River Tolka on days of large GAA matches/events in Croke Park. They consider that the potential adverse and injurious impacts of such heavy traffic in such close proximity to the Red House are unknown but would be unacceptable in architectural conservation terms. Again, I note that the GAA pitches and any associated parking is not included within this current application and is therefore not included within my assessment.

11.8.14 To conclude, the planning authority states that they entirely disagree with the conclusion of the Environmental Impact Assessment Report (EIAR) Volume 2 that 'the proposed new high quality blocks will have a positive impact on the setting of the Red House'.

11.8.15 The Conservation Officer raises further concerns in relation to the impact of Block D1 on the architectural heritage of the site. They are of the opinion that the architectural setting of the Red House would be significantly, adversely and injuriously impacted by the height, scale and massing of the 18-storey Block D1, which is located in relatively close proximity to the Red House.

11.8.16 Other concerns include the:

- Extent of proposed demolition of existing buildings (the 'New' and the 'Library' Wing) is significant. Notwithstanding their unprotected status, these buildings are included in the NIAH Ministerial Recommendation (Reg. No. 50120175) as part of the seminary complex, which was given a Regional Rating and of Architectural, Cultural, Historic, and Social Categories of Special Interest and are considered by the Conservation Section of the planning authority to be buildings of architectural significance. The applicant should clearly demonstrate why their reuse in a sustainable manner has not been possible within the new development, in particular considering the impacts of demolition in the context of the carbon footprint
- The wholesale loss of the historic fabric of the Library Wing is significant and regrettable
- The rear (west) elevation of the Seminary building is almost completely subsumed and dominated by the new building and other concerns relating to this new extension are itemised

- Some concerns expressed in relation to proposed works to Chapel and South Link building, primarily relating to relocation of objects, together with possible alternative location of steps to crypt level of Church and pod arrangement in South Link building
- Further details in relation to works to remaining structures required

11.8.17 A thorough and detailed report has also been received from the Department of Housing, Local Government and Heritage and I refer the Bord to same. In the interests of brevity, I shall summarise as follows. Impacts on Red House have been raised as one of the most serious concerns of the Department- the greatly diminished setting of Red House, the removal of historic avenues and the close proximity of the primary route through the site. The impacts of Block D1 on this structure has also been raised. They contend that the omission of Block D1 would re-balance the overall plan between the old and new and allow for a significant piece of historic landscape to be given back to Red House.

Assessment

Red House

11.8.18 I note the concerns expressed in relation to impacts on the Red House, in particular on its character and setting. Red House is outside the red line boundary and does not form part of this current application. Notwithstanding this, any impacts on its character and setting require assessment. I note from my site visit that the structure is well screened at the present time. It is not unduly visible when travelling along the existing avenue from Clonliffe Road. It is also not visible when viewed from the steps of the Seminary building or the Chapel building. I do accept however, that given the time of year, existing trees are in full foliage and screening may be greater than at other times of the year. I note its significance within the overall lands, being the first structure to form part of the overall complex. I acknowledge however that its setting has changed over time as the site has developed and evolved and if the current proposal is permitted, its setting will again change. The site is adapting to current needs and the Red House structure (while outside of the red line boundary) will form part of this.

11.8.19 The proximity of the proposed blocks to Red House are noted and significant setbacks are proposed, in excess of 35 metres to Block B3 and approximately 43

metres to Block D1, at their nearest points. Block B3 is five-storeys in height nearest Red House while the overall height of Block D1 is noted at 18 storeys. The planning authority and the Department both recommend increasing the distance of the proposed blocks from this structure. I note the angling of the building line of Block B3 to improve views of Red House from the west and also the significant amount of planting proposed to be retained in this area of the site. If the Bord is so minded they could reduce the footprint of Block B3 by approximately 18 metres, at its eastern end, which would result in the loss of 22 units but would give a much greater visual (and physical) separation between this proposed block and Red House. It would also allow for the relocation of the proposed access road in a westerly direction, to be further removed from Red House. This was expressed as a concern within the Department submission. This area within the red line boundary could then be landscaped further, giving more of a presence to Red House and creating a larger buffer area. I am of the opinion that this matter could be adequately dealt with by means of condition. I am satisfied with the proposed separation distance between Block D1 and Red House, given that it is not directly in front of the structure, instead being diagonal to it.

Block D1

11.8.20 The Conservation Officer, as expressed in the Chief Executive Report, is of the opinion that the proposed height, scale and massing of Block D1 is considered excessive in this context and will entirely dominate and injure the architectural setting of the Protected Structures (the former Seminary and the Red House), and the surrounding environs of Clonliffe Road and Drumcondra Road and will be clearly visible in long-range views from parts of the historic city such as the North Circular Road. It is the opinion of the Conservation Officer that a building of this height, scale and massing in this location is unjustifiable. It is noted however, that the planning authority in their recommended conditions do not recommend the omission of Block D1. As stated above, the Department has also raise concerns in this regard. They contend that the omission of Block D1 would re-balance the overall plan between the old and new and allow for a significant piece of historic landscape to be given back to Red House.

11.8.21 While I acknowledge the concerns expressed in this regard, I consider that the removal of Block D1 is not necessary in this instance. I am satisfied that the

proposed Block D1 can comfortably sit, side by side, with existing Protected Structures in the vicinity without detriment to their character and setting. Block D1 is a contemporary piece of architecture that reflects the current period. The Protected Structures reflect the periods in which they were designed and completed.

Structures from different periods co-existing within the same land parcel add a depth to the site, reflecting its historical evolution and its historical layers as the site has been developed over time. The location of proposed Block D1 provides a strong presence/building line as one travels along the avenue from the site entrance at Clonliffe Road and it also provides a defined edge to the Formal Garden area. Impacts on views have been dealt with in the preceding section and also within section 13 of the submitted EIAR. I am satisfied in this regard.

Seminary/Chapel/Assembly Hall

11.8.22 I am generally satisfied with the approach to the re-use and adaptation of the Seminary, chapel and assembly hall buildings. The chapel and assembly hall buildings will be available to all residents within the proposed scheme. The proposed new addition to the Seminary building is sympathetic to the importance of this historical structure, yet clearly a new addition. This is an approach that has been recognised as good conservation practice. I would concur with the opinion of the Department that due to the size of the original seminary block, the proposed height is acceptable where it doesn't adversely impact, overwhelm or enclose the historic setting of adjoining historic buildings. This has been satisfactorily achieved in this instance.

Removal of liturgical features/objects

11.8.23 It is noted from the information before me that a separate planning application (Ref. No. 3270/21 - decision pending) was submitted to the planning authority by St. Laurence O'Toole Diocesan Trust in August 2021 for the proposed removal of key objects/features from within the Church interior. It is understood that panelling, altar and other loose fittings from the oratory are to be removed and salvaged for reuse for use in a church specified by Archbishop's House. While this is noted, it does not have any bearing on this current assessment.

11.8.24 Some of the submissions received raise concerns regarding the stripping of liturgical features/objects from the historic structures. The Conservation Officer states that

while regrettable, it is an inevitable consequence of the closure of the Seminary, and as the Church is no longer in use as a place of public worship, and the building will be used for secular purposes within the proposed development. I would concur with this opinion and also that the relocation of the particular items noted above to alternative churches and institutions in which they will retain their religious purpose and significance to the Church is more appropriate than leaving them in situ in this instance. The submission of a Method Statement relating to any removals included within this current application could be dealt with by means of condition, if the Bord were disposed towards a grant of permission.

Block C2

11.8.25 The Department raise some concerns regarding the impact of Block C2 on the streetscape, in particular as it runs contrary to the historic streetscape and sits prominent of the adjoining terrace.

11.8.26 As stated elsewhere in this report, I don't have issue in this regard. It mirrors the permitted hotel development on the opposite side of the site entrance and aids in framing the entrance to the development, creating a strong edge. It could be argued that that the proposed setback from Clonliffe Road with plaza entrance onto the street reflects the front garden areas that traditionally were a feature of the street. In addition, I note that there is not a uniform building line along this side of Clonliffe Road. Unlike the opposite side of the roadway, a stepping of the building line is actually a characteristic of this side of Clonliffe Road. I am satisfied in this regard.

Block A1/A2 and impacts on Archbishop's Palace

11.8.27 An Taisce raise concerns regarding the impact of the proposal on the Archbishop's House. The Department raise some concerns relating the transition in scale between proposed Block A2 and the Archbishop's Palace. They recommend that mitigation measures should include for the creation of a greater planting buffer. The planning authority recommend the reconsidering of the height of Block A1 to provide a more suitable transition between Block A1 and the Archbishop's House. I note a proposed separation distance of 33 metres between the Archbishop's Palace and the proposed Block A1 at its nearest point. The proposed separation distance between the proposed Block A2 and the Archbishop's Palace is approximately 39 metres. I also note some existing planting along the boundary of the Archbishop's

Palace, together with the additional planting/landscaping proposed to the south of proposed Blocks A1 and A2. Proposed boundary treatments are also noted. I am not unduly concerned regarding the proposed transitions given the separation distances involved, the noted level differences and the existing/proposed screening. However, I agree that the provision of more extensive planting between the boundary of the subject site and the Archbishop's Palace would aid in negating possible impacts and I consider that this matter could be dealt with by means of condition, if the Bord is disposed towards a grant of permission.

Basement below Formal Garden

11.8.28 The report of the Conservation Officer, as contained in the Chief Executive Report, raises concerns regarding the proposed basement beneath a large part of the Formal Garden and considers that it will fundamentally and permanently destroy and disrupt this fine landscape and setting to the front of the Seminary building and the rest of the historic seminary complex. The omission of this basement is included within the recommended conditions. The Department have not raised specific concerns in this regard. I note the landscaping proposals for the Formal Garden. I query if the removal of the proposed basement is necessary, provided the proposed works are undertaken in an appropriate manner. I have no information to believe they would not be undertaken in such an appropriate manner and I am satisfied that if the Bord is disposed towards a grant of permission, that the submission of a comprehensive method statement relating to same could be dealt with by means of condition.

Materials

11.8.29 I concur with the opinion of the Conservation Officer when it is stated that the use of high quality materials such as natural stone and gravels should be used throughout the scheme to protect the historic character of the site. I have dealt with this matter elsewhere within my assessment and am of the opinion that this matter could be adequately dealt with by means of condition, if the Bord is disposed towards a grant of permission.

Conclusion

11.8.30 The report of the Conservation Officer, as contained in the Chief Executive Opinion, is noted, as is the report from the Department of Housing, Local Government and

Heritage. The submissions received from third parties are also noted in this regard. I am of the opinion that the proposed demolitions are not detrimental to the character of the wider college setting. Many of the elements to be demolished are modern interventions of limited significance. In terms of the concerns of the Conservation Officer in relation to the demolition of New Wing and Library Wing, I note their unprotected status. While they are included in the NIAH Ministerial Recommendation, I question why they were not included in the Record of Protected Structures in the first instance.

11.8.31 Having assessed the proposal, I am of the opinion that generally the design, layout, height and orientation of the proposed blocks are such that they will not unduly impact on the built heritage, historic setting and strong landscape character of the lands or surrounding areas to such an extent as to warrant a refusal of permission. I am cognisant of impacts on Red House, the oldest structure within this complex and I acknowledge the concerns expressed by both the Department and the planning authority in this regard. I consider that Block B3 should be reduced in footprint so as to allow for a greater separation with the Red House and to ensure that it does not overwhelm this structure and detract unnecessarily from it.

11.8.32 I am of the opinion that a balance needs to be achieved in such instances between developing lands to an appropriate scale in compliance with national policy guidance whilst at the same time protecting the character and setting of the site and the historic structures located thereon. I am satisfied that this balance has been achieved in this instance. I do not recommend the omission of Block D1.

11.8.33 Within my assessment, I have also had regard to impacts on the setting of other historical and Protected Structures within the vicinity of the site, including those within the neighbouring 'Objective Z2' zoned areas. I am satisfied that any impacts on Protected Structures or other properties within the 'Objective Z2' zonings would not be so great as to warrant a refusal of permission.

11.8.34 The appropriate redevelopment of this site is to be welcomed and is in line with national policy for such sites. While the loss of some historical buildings is regrettable, it is not unexpected and the justification put forward in the documentation is acknowledged. The proposed development will undoubtedly give rise to some loss of architectural heritage on this site. However, the buildings of

most significance have the benefit of designation as Protected Structures within the operative City Development Plan and are being incorporated into the proposal. The RPS is very clear in what has been considered worthy of protection and what has been not. I note the NIAH Ministerial Recommendations identified above. Aside from designated Protected Structures, other historical elements are also being retained, for example the re-use of historical salvaged items and this is welcomed.

11.8.35 I concur with the opinion of the Department when they state that there is an appreciation/awareness in the proposal of the collection of historic buildings, the hierarchy of spaces and inter-relationships that informed the original layout of the site. I consider that the proposal puts forward a good response to the architectural prominence of the main elevation of the Seminary and chapel buildings, as they retain their central roles as the core or focal point of the lands.

11.8.36 I have considered the submissions received from third parties in this regard, together with the submission from the Department of Housing, Local Government and Heritage, that of the planning authority and An Taisce. Having regard to all of the above, I am generally satisfied in this regard, subject to conditions.

11.9 Impacts on Existing Residential Amenity

Context

11.9.1 Concerns regarding impacts on existing residential amenity have been put forward in many of the observer submissions received, including concerns regarding overlooking, overshadowing and loss of light, together with privacy concerns and those relating to anti-social behaviour. The concerns of the planning authority in this regard relate more to the proposed residential amenity for future occupants. However, their Opinion states that given the orientation of the subject site, the height of the buildings close to the periphery of the site and the proximity to existing residential units, there is concern that neighbouring residents may be adversely impacted by the proposal. They note however that the VSC results indicate that the proposed development will have a generally negligible impact on the majority of the surrounding buildings, but with a noticeable reduction in VSC on a number of windows in the Caretakers bungalow on the eastern side of the site.

11.9.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current

level of development to that accommodating a high density development, such as that proposed. This is not necessarily a negative. I am cognisant of the relationship of the proposed development to neighbouring dwellings. In my opinion, a sufficient distance is being maintained from existing properties to ensure that any impacts are in line with what might be expected in an area such as this, and therefore are considered not to be excessively overbearing given this context. There is an acknowledged housing crisis and this is a serviceable site, zoned for residential development in an established city area, where there are good public transport links with ample services, facilities and employment in close proximity. I have no information before me to believe that the proposal if permitted would lead to the devaluation of property in the vicinity.

Daylight and Sunlight

11.9.3 In designing a new development, I acknowledge that 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. It is noted that loss of daylight and overshadowing forms one of the key objections from local residents. I note the layout of the proposal is such that many of the blocks are located away from existing residential development and the attention of the Bord is drawn to this fact. Many of the proposed blocks overlook the undeveloped lands to the north, earmarked for future development as GAA pitches. I am of the opinion that properties along Clonliffe Road; the Archbishop's House; properties on Holycross Avenue and those to the east of the site including, inter alia, Corn Mill apt development are the properties with greatest potential to be impacted by the proposed development. I note that the properties along Holycross Avenue currently front onto a high boundary wall between the road and the subject site, which would have impacts currently on their daylight/sunlight. The separation distances between the proposed development and existing residential development is noted.

11.9.4 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the

BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, 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 described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

11.9.5 I note that the criteria under section 3.2 of the Building Height Guidelines at the scale of site/building include the performance of the development in relation to minimising overshadowing and loss of light.

11.9.6 A 'Daylight and Sunlight Analysis' was submitted with the application, together with an Appendix document. The information contained therein generally appears reasonable and robust. I note that the A4 size of the submitted Appendix A is such that reading of the hard copy document is very difficult. In most instances, it is only possible to read the data using the zoom feature on the soft copy. Notwithstanding this, I note that the submitted Analysis and accompanying Appendix documents have been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011 and with BS 8206-2: 2008 'Lighting for Buildings – Part 2: Code of Practice for Daylight' and by proxy, BS EN 17037. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant

guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have twice carried out an inspection of the site and its environs.

Daylight

11.9.7 In relation to daylight, paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. BRE Guidelines recommend that neighbouring properties should retain a VSC (this assesses the level of skylight received) of at least 27%, or where it is less, to not be reduced by more than 0.8 times the former value (i.e. 20% of the baseline figure). This is to ensure that there is no perceptible reduction in daylight levels and that electric lighting will be needed more of the time.

11.9.8 Properties analysed are set out in section 4.1.1.1 of the report- 18 properties in total. See below for properties and impact classification:

Table 13:

Property	Impact Classification
Corn Mill Apartments	Negligible
Corn Mill Row Apartments	Primarily Negligible/ limited Minor Adverse
College Terrace Apartments	Negligible
Holy Cross Avenue Apartments	Primarily Negligible/ limited Minor Adverse
Education Secretariat	Negligible
133-137 Drumcondra Road Lower Apts.	Primarily Negligible/ limited Minor Adverse
Caretakers Bungalow	Major Adverse/Negligible/Minor Adverse
59-79 Drumcondra Road Lower Apts.	Negligible
Gate Lodge Apartments	Negligible
Lyndon House	Negligible
Red House	Negligible
Belvedere Rugby building	Negligible with very limited Minor Adverse
33 Kingston Lodge Apartments	Negligible
26 Kingston Lodge Apartments	Negligible
23 Kingston Lodge Apartments	Negligible
O'Callaghan Court Apartments	Negligible

Clonliffe Road Apartments	Negligible
Riversdale Apartments (Drumcondra Rd)	Negligible

11.9.9 I am satisfied that all relevant properties have been considered. The results confirm that access to daylight for existing surrounding dwellings, when compared with their existing baseline experience, will not be compromised as a result of the proposed development as the VSC results indicate that the proposed development will have a generally negligible impact (98% negligible; 2% Minor Adverse Impact; 0% Major Adverse Impact) on the majority of the surrounding buildings, with the exception of the west façade of the Caretaker's bungalow to the east. The VSC in all cases is $\geq 27\%$ or ≥ 0.8 times its existing value prior to the proposed development, with the exception of the Caretaker's bungalow. I note that the impact to the Caretaker's bungalow is only to the VSC. Neither APSH nor WPSH are impacted. I would agree with the applicants when they state that, taking into consideration level changes between the Caretaker's bungalow and the proposed development, it becomes apparent that the scale of any proposed massing adjacent to the Caretaker's bungalow would need to be very low rise to cause negligible impact to the levels of daylight in the existing apartment. I am of the opinion that any impacts on nearby properties are on balance acceptable, having regard to the minimal impacts on the windows of these identified properties, to the existing open nature of the site and to the need to deliver wider planning aims, including the delivery of housing and the development of an underutilised urban site.

Sunlight

11.9.10 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. Windows facing north have not been included in the assessment. The same 18 properties were assessed, as above, of which all (100%) experienced a negligible impact and achieved the BRE Guideline recommended values for safeguarding annual access to sunlight. Of the 16 buildings analysed for WPSH, all experienced a negligible

impact and achieved the BRE Guideline recommended values. In relation to the conclusions of the report, as relates to sunlight, I am satisfied that impacts of the development on sunlight levels to surrounding property will be minor, and are on balance, acceptable.

Overshadowing

11.9.11 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. All amenity spaces adjoining the proposed development site boundary that could potentially be impacted, were assessed in relation to potential overshadowing. It is noted that all areas examined do not currently achieve at least 2 hours of sunlight over at least 50% of the area on the 21st March. As such, this situation will remain largely unchanged and very marginal impacts are noted. Any increased overshadowing, over and above the current situation, will be negligible. I am content that the proposed development would not unduly overshadow surrounding amenity spaces, over and above the current situation.

Conclusion

11.9.12 Overall, I acknowledge that the proposed development would not meet BRE targets in all instances, however I do not consider there to be significant impact upon surrounding residents' daylight and sunlight as a result. The level of impact is considered to be acceptable. In my opinion, and based upon the analysis presented, the proposed development does not significantly alter daylight, sunlight or overshadowing impacts from those existing and this is considered acceptable. The proposed development is located on a site identified for residential development. Having regard to the scale of development permitted or constructed in the wider area and to planning policy for densification of the urban area, I am of the opinion that the impact is consistent with emerging trends for development in the area and that the impact of the proposed development on existing buildings in proximity to the application site may be considered to be consistent with an emerging pattern of medium to high density development in the wider area. This is considered reasonable. While there will be some impacts on a small number of windows, on balance, the associated impacts, both individually and cumulatively are considered to be acceptable.

Overlooking and impacts on privacy

11.9.13 The issue of overlooking has been raised in some of the submissions received. I note the separation distances proposed, together with the level of screening along many of the site boundaries. Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, I consider that matters of overlooking would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking and overshadowing is to be anticipated. It is also to be anticipated that one would see other development from their property. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. This is an urban area and the overall scale of development reflects its location. The site is zoned for residential development and the principle of a dense scheme at this location, accords with national policy in this regard.

Anti-social behaviour

11.9.14 Concerns have been raised in some of the submissions received with regards to an increase in anti-social behaviour as a result of the proposed development. While I acknowledge the concerns raised, I have no reason to believe that this would be an issue. The proposed pedestrian links, if implemented will improve connectivity within the area, for both existing and future residents. Any matters relating to law enforcement are a matter for An Garda Síochána, outside the remit of this planning application.

Noise

11.9.15 The matter of construction noise has been raised in some of the third party submissions received. I refer the Bord to section 12 'Noise and Vibration', in which further assessment in relation to this matter has been undertaken.

11.9.16 Given the nature of the development proposed, I do not anticipate noise levels to be excessive. I note the submission from Shrewsbury House Nursing Home (162-164 Clonliffe Road) and their concerns expressed in relation to noise impacts on residents and end of life care. I acknowledge that there may be some noise disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. A condition should be attached to any grant of permission regarding construction

hours. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that a Development Construction Management Plan has been submitted with the application, which deals with the issues of noise and dust control, demolition procedures and site hoarding. In addition, a Construction Environmental Management Plan has been submitted, which deals with matters of waste management and method statement for construction amongst other matters. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on air quality. Construction related matters can be adequately dealt with by means of condition. However, if the Bord is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

Vermin

11.9.17 The matter of increased vermin as a result of the proposed construction works has been raised in some of the third party submissions received. The matter of construction management has been dealt with above and good construction practices are envisaged. I have no information to believe that the proposal will result in an increase in vermin in the general vicinity of the site.

11.10 Quality of Proposed Residential Development

Context

11.10.1 It is noted that many of the third party submissions received raise concern with regards the quality of residential amenity being afforded to future occupants of the proposed scheme. This has also been raised as a concern of the planning authority. They are of the opinion that the over-concentration of smaller residential units with minimum floor areas, private open space, storage, car parking etc. will result in a development that, cumulatively, would be seriously injurious to the amenity of future residents and would set an undesirable precedent for similar type speculative development. The planning authority also has expressed serious concerns in relation to daylight/sunlight matters (see below).

Floor to Ceiling Heights/Lift and Stair Cores

- 11.10.2 The proposal meets the requirements of SPPR5 of the aforementioned Apartment Guidelines 2020 in relation to floor to ceiling heights.
- 11.10.3 SPPR 8(v) of the Apartment Guidelines is noted which states that 'The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations'. The applicants state in the submitted Planning Report that no block has more than 12 units per single core.
- 11.10.4 I note that the planning authority has raised concerns in relation to long, 'hotel style' corridors in some of the proposed blocks and question the impacts of same on residential amenity. They highlight in particular the extensive length of the corridor in Blocks E2 and D2. With regards Block E2, I acknowledge that the applicants are working within the confines of the historic building and that the new addition is aiming to respect the layout and scale of the original Seminary building. I note that there are three stair cases within this block (one central and one at either end) and given the historic nature of the Seminary building, I am satisfied in this regard. In relation to Block D2, I acknowledge that there are 14 units accessing off one corridor with only a small window at one end. However, I note that there are two stair cores serving these units. The overall quality of this block is considered to be good and whilst I agree that an excess of units served off one corridor is undesirable for a number of reasons, given the overall quality of the proposed scheme, the issue is not so great in this instance as to warrant a refusal of permission. In any event, the provision of SPPR8 (v) apply in this BTR scheme and the proposal is considered to be in compliance with this government policy in this regard.

Quality of Studio Units/Floor Areas

- 11.10.5 I highlight to the Bord that many of the proposed studio apartments are designed with a sliding door separating the bedroom area from the living/kitchen area, creating a situation whereby an internal bedroom with no window results when the sliding screen is closed. I note that this screen is not proposed to all studio units and in some units where the screen is proposed, an internal window between the living and bedroom spaces is proposed. I highlight this matter to the Bord that the internal bedroom does not have an external window and in some instances receives only

minimal natural light through an internal window to the living space, when the screen is closed. The level of residential amenity being afforded to the future occupants of these units has been questioned in some of the third party submissions received. I raise the question whether these units should be assessed as a one-bed apartment rather than a studio unit. If assessed as a one-bed unit, these studio units, some of which are approximately 37 sqm in area, fall short in terms of floor area requirements for a one-bed. The SPPR3 requirement, as contained in the aforementioned Apartment Guidelines (2020), of 45sqm for a one-bed unit is noted. I am of the opinion that they should not be assessed as a one-bed unit, but are instead a higher spec studio unit. While I acknowledge the lack of external window to the bedroom area when the screen is closed, I do note that the applicants are aiming to give a degree of privacy to these bedrooms, which in turn will provide a higher quality of residential amenity to their occupiers. The Bord may not agree with this opinion and if so minded, it would be option to omit the internal screens by condition.

11.10.6 Notwithstanding the above, I note the extent of studio units within the A Blocks (177 units) and in total studio and one bed units account for 68% of the units within the A block district. In many cases, these are the smallest units within the overall scheme, do not have any private open space provision and are single aspect. I accept the principle of studio units within this BTR scheme. I also acknowledge SPPR8 (i) and (ii) of the Apartment Guidelines in relation to unit mix and flexibility in relation to private open space provision, together with SPPR 3 of the aforementioned guidelines in relation to floor area. Notwithstanding this, I do consider that cumulatively the units within Block A1 would offer some of the lowest level of residential amenity within the overall proposal. Other studio units within the remaining blocks tend to have a larger floor area, many have access to private open space provision and many are south facing. These studio units (exclusive of Block A1) are generally considered acceptable and would afford an adequate level of residential amenity to any future occupiers. My concerns are such that I consider that the proposed Block A1 should be omitted from the proposal in its entirety and a revised proposal be submitted, under a new application, which addresses the concerns raised. In the interim, this area could be included within the public open space provision and landscaped accordingly. This would result in the loss of 305

units, together with 233 car parking spaces, bicycle spaces and residential tenant amenity spaces. The matter could be adequately dealt with by means of condition.

Material Contravention- Floor Areas

11.10.7 The submitted Material Contravention Statement also deals with the issue of floor areas and notes that the operative City Development Plan sets out minimum floorspace standards for apartments. In the case of studio apartments, the City Development Plan specifies a minimum floor area of 40 square metres. SPPR3 of the aforementioned 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020) set the minimum floor area for studio apartments at 37 square metres. There is a corresponding difference then also to minimum room width standards. Again, the nature of the BTR scheme and the provisions of SPPR8 in this regard are noted.

11.10.8 I note that all studio units in the proposed scheme are 37sq.m or greater, which is in compliance with SPPR3 in relation to apartment design standards. All other units are compliant with both SPPR 3 and the Development Plan which have the same minimum floor area standards for 1, 2 and 3 bed apartments. I would concur with the applicants that the operative Dublin City Development Plan standards with regards to floorspace is at variance with the aforementioned Guidelines.

11.10.9 In terms of material contravention, as stated above, I consider the application to be strategic in nature and in the interests of brevity, I will not reiterate but refer the Bord to section 11.6 above. Secondly, I note the policies and objectives of national guidelines including the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and the Specific Planning Policy Requirement (SPPRs) contained therein. In particular, I note that SPPR 8 of these Guidelines (2020) states that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor areas standards by a minimum of 10% shall not apply to BTR schemes, due to the requirement to provide compensatory communal facilities and amenities for use by residents. In terms of floor areas, SPPR 3 allows for a minimum size of 37 square metres for studio units. The operative City Development Plan conflicts with these guidelines. I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040

which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas.

- 11.10.10 Having regard to the above, I consider that it is open to the Bord to grant permission in this instance and invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, in particular section 37(2)(b)(i) and (iii), due to strategic nature of the application and national policy guidance in this regard.

Daylight and Sunlight to Proposed Residential Units

- 11.10.11 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.

- 11.10.12 As before, I have considered the Daylight and Sunlight Analysis submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated

British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines.

- 11.10.13 Again I note that the A4 size of the submitted hard copy Appendix document is such that reading its contents is difficult. I have accessed this information using the zoom feature available on the applicant's website. I also note that a soft copy of the application was submitted on disc, as required.

Daylight

- 11.10.14 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 daylighted 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.

- 11.10.15 In relation to daylight, a representative sample of 10-15% of the total units in the overall development was utilised for ADF. The applicant's justification for this sample includes that these units comprise a mix of studio, two and three bed units and a mix of orientations and obstructions were tested (see section 2.1.2.1 of submitted Report). Repetition of the floor plans was also noted. It is noted that the Vertical Sky Component (VSC) at all windows in the proposed development has been simulated. In total, a sample of 415 rooms was selected. In the interests of brevity, below are just a sample of my findings. For example, in Block A1, 64 rooms were tested- 26 units out of a total 305 units in Block A1 were tested. Of these, only 1 was a west facing unit into the central courtyard area and this was at a higher level (Level 5). The units nearer the ground floor which would be expected to be a more

realistic 'worst-case scenario' were not tested. In terms of Block A2, it is noted that only 8 units were tested, with 3 of those being the dual aspect corner units. Only two single aspect eastern facing units were tested, neither of which were on the ground floor. In Block A3, only two studio units were tested, one at Level 3 and 4. No studio units below these levels were tested, which I would have anticipated given the proposal contains east facing studios, in relatively close proximity to the much larger Block A1. Finally, in terms of Block C1, I note that only 1 unit was tested at ground floor level which fronts onto the central courtyard area. This unit gave an ADF of 1.2% for living/kitchen area (below both 1.5% and 2% threshold). I would have anticipated a greater number of units to be tested within this area, where there is a high probability of reduced daylight/sunlight. The Planning Authority state that they have serious concerns that not all units were tested for ADF. They also questioned the small size of the sample and the integrity of the sample. I am of the opinion that all units would not need to be tested for ADF once a representative, sizeable sample was used. I note the repetition of the layouts. While a greater sample size would have been welcomed and while some may consider that there is a deficit in units tested, I am satisfied that a representative sample of units proposed has been put forward. Notwithstanding this, I acknowledge that there may be other 'worst-case' scenarios' than those sampled. I highlight this matter to the Bord.

11.10.16 The proposed units contain combined kitchen/living/dining layouts.

11.10.17 The applicant has applied both the 2% ADF value and the 1.5% ADF value. Of the 415 rooms assessed, 90% complied with the 1.5% value. When combined kitchen and living rooms are benchmarked against the 2.0% ADF, 81% of the rooms tested within the development meet the relevant BRE 209 standard. I note that the kitchen areas were not excluded from the calculations. The planning authority raise concern with the use of the 1.5% value and contend that the 2% value should have been utilised, given that all units have a combined kitchen and living room. From an analysis of Table A1.3 in Appendix A, the planning authority also note that the performance of the tested kitchens (which form part of a combined kitchen and living room) in Blocks A1, B3, C1 and D1 are particularly concerning as close to 50% of the tested kitchens in these blocks did not reach the minimum standard of 2%. While this is acknowledged, I do note that the performance of the combined kitchen/dining/living space in these aforementioned blocks is generally much higher

when compared against the 1.5% standard. For example, according to my calculations in Block A1 58/64 rooms; Block B3 36/39 rooms; Block C1 24/28 rooms and Block D1 44/48 rooms all comply with the 1.5% standard. I highlight to the Board that there are shortfalls below the 1.5% standard in some of the units tested, with some units only achieving 0.7%. I also note that, as stated above, it is anticipated that there are likely to be more 'worst-case' scenarios than those tested.

11.10.18 While I acknowledge these shortfalls and the concerns of the planning authority in this regard, I note that while the recommended standards set out in the guidelines can assist my conclusion as to its appropriateness or quality, they do not dictate an assumption of acceptability. The applicant sets out a number of other SHD cases where the target value of 1.5% for combined living/kitchen spaces was applied. This is noted. The applicant has also set out the challenges posed by balconies in achieving 2% ADF and states that this impact is significant. They state that notwithstanding the BTR nature of the proposed development and the challenges posed in achieving adequate daylight, it is proposed to provide balconies to many units so as to provide a positive residential amenity to future occupiers. This is considered reasonable.

11.10.19 The applicants have also tested the performance of the proposed development against a simulated VSC. It is noted that VSC is not regularly used to assess the performance of a proposed development, however in this instance all windows were assessed (4,884 points). In relation to daylight, paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. Of the points tested for VSC, only 42% met the target set in BR 209. I am of the opinion that the standard use of ADF is more appropriate for the testing of daylight to proposed units.

11.10.20 Having regard to all of the above, I am of the opinion that the majority of living/kitchen/dining areas tested should receive adequate levels of daylight. I note that some of the units examined are located on the lower floors, while some have balconies above the identified windows. The impact of balconies has been addressed in section 4.2.3 of the submitted Analysis. It is the opinion of the planning authority that the applicant has not put forward design solutions to minimise the

impact of the balconies. I disagree with this assertion. I note that balconies have been omitted to studio apartments in the A Blocks and a window assessment was undertaken by the applicants of glazing size with glazing altered as necessary and optimised window areas proposed. I would consider these to be alternative, compensatory design solutions. The applicants also state that daylight/sunlight was a factor taken into consideration in the overall design of the proposed scheme, which impacted various massing arrangements.

11.10.21 I also note that as well as the factors referred to above, some of the rooms that achieve a relatively low ADF are also facing towards other blocks on the site, which will serve to limit the level of daylight achieved to these rooms. I am satisfied that flexibility as to the target ADF is applicable, and that there is adequate justification in terms of use of an alternative target ADF of 1.5% for the open plan living/kitchen rooms. I am of the opinion that the higher 2% ADF is more appropriate in a traditional house layout, and that in apartment developments, it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 2% ADF, and even more so when higher density and balconies are included. Often in urban schemes there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/streetscape and that an alternate 1.5% ADF target is generally considered to be more appropriate.

11.10.22 Increased floor to ceiling heights are noted. In addition, I note that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for. I therefore consider the deviation to 1.5% to be acceptable.

Sunlight

11.10.23 The report also considers internal sunlight levels to the proposed units, and a summary of results is set out in the Appendix of the submitted report. In relation to sunlight, analysis has been provided in accordance with the BRE guidelines on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The APSH modelling involves assessment of the level of sunlight that reaches a window, then determining the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis (section 3.1.10 of the BRE 209 Guidance). The report states that the percentage of south-facing windows

that meet or exceed BRE values in the proposed development is 68%. It further states that 84% of the south-facing windows tested meet or exceed the BRE209 recommended target of 5% for winter sunlight (WPSH). The applicants state that when considering the performance of the proposed development the daylight and sunlight availability could be described as better than typical for a mid-rise suburban development of this nature.

Internal Open Spaces

11.10.24 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. All proposed amenity spaces, both public and communal, exceed this target.

11.10.25 The Planning Authority is concerned that the internal street between Block A1 and Blocks A2 and A3 was not included in the assessment of amenity spaces. While this is acknowledged, I do note that the primary purpose of this street is for circulation with some limited parking. It is not one of the identified amenity spaces within the development. I am satisfied in this regard.

Conclusion

11.10.26 The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Bord can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

11.10.27 Having regard to the information outlined above, as contained in the submitted Daylight and Sunlight Analysis, I note that the level of compliance with the ADF target of 2% for K/L/D is 81% or with the alternative ADF target of 1.5% for

K/L/D is 90%, which is considered to be reasonable compliance with the BRE standards. In particular, I note that these standards allow for a flexible and reasonable alternative for ADFs, and which in any event K/L/Ds are not specifically stipulated in the BRE guidance. I also note that SPPR3 allows compensatory proposals where non-compliance is proposed. A clear rationale for alternative and compensatory design solutions has been put forward. I note that having regard to the proposed density and urban location, that the identified shortfalls are not significant in number or magnitude. Regard is also had to the need to develop sites, such as this, at an appropriate density, and, therefore, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. It is my opinion that adequate justification for non-compliance exists, and that the design and associated design solutions are appropriate. It may also be noted that the ADF for rooms is only one measure of the residential amenity and in my opinion the design team have maximised access to daylight and sunlight for all apartments. While the concerns of the planning authority are acknowledged in this regard, I note that they are not recommending a refusal of permission in relation to this matter. I am generally satisfied that all of the rooms within the apartments would receive adequate light.

11.11 Traffic and Transportation

Context

- 11.11.1 I refer the Bord to section 18 of the submitted EIAR and further assessment within the EIAR section below. It is noted that a number of transport related documents have been submitted with the application documentation including Transport Assessment, DMURS Consistency Statement, Mobility Management Plan and Stage 1 Road Safety Audit.
- 11.11.2 A large number of the third party submissions received raised concerns regarding the increased traffic likely to be generated by the proposed development. Many of these submissions also raise concerns that inadequate parking is being provided for. Concerns are also raised in relation to the capacity of existing public transport in the area and the quality of existing cycle infrastructure.

Access/Proposed Works

- 11.11.3 The main access to the site is proposed from a widened entrance on Clonliffe Road, at the junction with Jones's Road. A secondary access is proposed through the opening up of a currently unused access point on Drumcondra Road Lower at the junction with Hollybank Road. An additional cyclist and pedestrian access is proposed through an existing access point on Holy Cross Avenue.
- 11.11.4 Access from the Clonliffe Road entrance will also facilitate vehicular access to future proposed GAA pitches and clubhouse to the north of the site (not included in this current application) and to a permitted hotel on Clonliffe Road.
- 11.11.5 The primary access from Clonliffe Road will provide access into all vehicular-designated areas of the site. It is anticipated that 73% of vehicle trips will be via the Clonliffe Road access and the remaining 27% allocated to the Drumcondra Road Lower access. Circulation through the site has been designed so that it will not be possible for car traffic to cut through the development between Drumcondra Road and Clonliffe Road to avoid creating a "rat run". A barrier system will be installed within a 'home-zone' between Blocks A1 and A2. The planning authority have not raised concerns in this regard, subject to conditions.
- 11.11.6 Additional proposed works include upgraded junctions at the Clonliffe Road/Jones's Road signalised junction, the Drumcondra Road/Hollybank Road priority junction, and improved pedestrian crossing facilities across Clonliffe Road.
- 11.11.7 The development is very well served by public transport. It is located adjacent to the Swords Quality Bus Corridor linking the development with Dublin City Centre to the south, and Dublin Airport / Swords to the north. The corridor is served by the number 41 bus which runs 24 hours a day. There are 10 other bus services that run along Lower Drumcondra Road. Drumcondra Rail Station is just a short walk from the site (approximately 5 mins). Finally, the site is within walking distance of the city centre.

Traffic Congestion

- 11.11.8 Concerns were raised about traffic and increased congestion around the local roads. Some submissions queried the accuracy of the traffic survey results, if undertaken during the pandemic restrictions. The application is accompanied with a Transport Assessment which includes details in relation to trip generation. While the uses are not part of this application, the functions of the proposed hotel and clubhouse are

noted within the assessment. Traffic surveys were carried out in February 2020, prior to the Covid-19 pandemic. The Assessment concludes that there is adequate capacity for the additional vehicles. This is further addressed in the EIA assessment below. The documentation submitted states that the proposed development will generate a maximum of 73 vehicular arrivals and 183 departures in the AM peak hour and a further 146 vehicular arrivals and 93 departures in the external network PM peak. This traffic will primarily travel in and out from the Clonliffe Road access. There will inevitably be increased traffic as a result of the proposed development, in particular during the construction phase. However, there is good road infrastructure in the vicinity of the site and good management procedures are proposed. The data provided demonstrates that the increased traffic will have minimal impact on the wider road network. I am of the view that this is an urban area and a certain level of congestion is to be anticipated in such locations.

Car Parking

11.11.9 The subject site is located within Area 2 of Map J of the operative City Development Plan, with Table 16.1 detailing the maximum car parking standards permissible for a variety of uses. A maximum car parking provision of 1 no. space per residential unit is permissible. The total overall car parking provision is 508 no. spaces (of which 484 no. spaces are for residential use) and this may be broken down as follows:

- 477 no. car parking spaces for residential use located at podium/basement level (0.3 spaces/residential unit)
- 31 no. surface level car parking, comprising 7 no. accessible spaces for residents, 4 no. accessible spaces for visitors, 7 no. spaces for delivery, loading or set down/pick up, 16 no. spaces for Pay and Display and 4 no. spaces for car club spaces.

11.11.10 Residential car parking spaces will largely be located at basement level and will be let separately to the apartment units. They will only be available to residents as part of a leasing programme. Residential parking will be supported by mobility management policies which will limit the need for residents to lease parking spaces. No residents will be entitled to on-street parking permits and the spaces provided at street level will be for visitors only. This should alleviate concerns expressed in some of the third party submissions.

- 11.11.11 In terms of overspill onto adjoining streets, the applicants undertook a parking analysis of surrounding streets which operate on a residential permit basis using data supplied by the Parking Policy and Enforcement Division of Dublin City Council. This analysis looked at the number of on-street spaces versus the number of parking permits recorded on each street to calculate the used capacity. The results show that there is relatively low pressure on parking in the local area with an average used capacity of 65%, therefore, giving an average residual capacity of 35% overall. The applicants contend that the result reinforces the findings that car ownership and car use in the local area is relatively low and that the proposed level of parking provision for the development is appropriate for this location.
- 11.11.12 The planning authority state that while they are open to considering a reduced quantum of car parking in accessible urban locations, it is considered that strong long-term management of the allocation of car parking spaces and proactive residential travel planning should support this. They acknowledge that a Mobility Management Report has been submitted, which incorporates a Car Parking Strategy. The planning authority also note that while 4 no. surface spaces will be dedicated to car share, it is stated in the MMP that Go Car have committed to providing up to 25 no. on site cars exclusively for use of the residents (and up to 5 more cars throughout the site for use by residents and the public). This provision is welcomed by the planning authority and an increase in car club spaces is also welcomed by the NTA.
- 11.11.13 I am satisfied that given the nature of the development and the locational context of the site, proximate to excellent public transport facilities and within walking distance of the city centre, that a parking ratio of 0.3 space/residential unit is acceptable. The planning authority have not expressed concerns in this regard. In terms of concerns regarding overspill onto adjoining roads, I do not accept that this will be an issue causing significant impact. I am of the view that the proposal is in line with the Development Plan requirements and is appropriate for the location of the site within walking distance of both a DART station and a QBC.
- 11.11.14 Some of the submissions received raise concerns as to car parking management on match/concert days in Croke Park, given that it is stated that the subject site has previously been used for such purposes. I note that within both the Transport Assessment and the MMP, the car parking strategy references parking

provision within the overall lands. Car parking for the GAA clubhouse will be provided at surface level in the south-eastern corner of the proposed pitches with a total 50 car spaces to be provided. This development requires a separate planning application and is not included within the remit of this current application.

Cycle Parking

- 11.11.15 In total, the proposal includes for 2,255 cycle spaces are proposed (1.3 spaces/residential unit), together with 252 short stay spaces, which is in excess of Development Plan requirements of minimum 1 space per unit. The planning authority are satisfied in this regard and state that the quantum of cycle parking proposed is considered acceptable having regard to Development Plan standards and the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines or Planning Authorities.
- 11.11.16 I note that where blocks have access to a basement, long term secure cycle parking spaces will be located at this level. Cyclists will not use car ramps, instead they will access the basement via a separate lift or stairwell. The staircase will have double wheeling ramps either side. Where blocks do not have access to a basement, where possible, long stay cycle parking will be provided in separate, easily accessible bike rooms. Long-term bike parking will be two tier stacked parking. This is considered acceptable and the planning authority have not expressed concerns in this regard.
- 11.11.17 Two-way off-road cycle tracks run between Hollybank Road and St. Alphonsus' Avenue alongside the western periphery of the site. However, cycle lane infrastructure elsewhere in the surrounding area is quite limited, and it is noted that there are currently no cycle lanes along Clonliffe Road or Jones's Road. However, as part of the Greater Dublin Area Transport Strategy 2016-2036, there are planned improvements to both the road, public transport, walking and cycling networks within the vicinity of the proposed development site. This includes the upgrade the bus corridor adjacent to the site as part of Bus Connects (Spine A is proposed to run along Drumcondra Road), the development of the Dublin cycle network, the expansion of DART services to serve Drumcondra Station, and the introduction of a new Metro line which will be accessible from the development. The timeframe for some of these upgrades is unclear.

Servicing

- 11.11.18 Some of the submissions received have raised concerns with regards to fire truck access. Fire trucks and other emergency vehicles will enter the site from the Clonliffe Road or Drumcondra Road access depending on the source of the issue and will have access to areas, which are blocked to all other vehicles, to enable them to get closer to buildings and entrances. The planning authority have not raised concerns in this regard and I too am satisfied. As stated elsewhere in this report, matters of compliance with fire regulations are outside the remit of this planning report.

Conclusion

- 11.11.19 To conclude, I am satisfied that the proposal is acceptable in terms of numbers of spaces for car and bicycle parking, as well as the modifications to specified junctions, having regard to the extremely accessible location of the site and its proximity to quality public transport, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations. I do not have undue concerns in relation to traffic or transportation issues. The Transport Division of the planning authority state that the subject site is located in a highly accessible area, close to public transport and it is considered that the continual implementation of a strong mobility management regime can alleviate concerns regarding the reduced quantum of car parking on site. Conditions have been recommended and I am of the opinion that the matters raised by the planning authority in this regard could be adequately dealt with by means of condition. Transport Infrastructure Ireland state that they have no observation to make in relation to the proposal. While the concerns of the National Transport Authority are noted in relation to the mix of units proposed (dealt with above), they state that they are satisfied with the level of parking proposed, together with the access and permeability proposals and are generally satisfied with interface for BusConnects, subject to conditions.
- 11.11.20 Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

11.12 Drainage and Flood Risk

Drainage

11.12.1 Many of the third party submissions received raise concern regarding impacts of the proposal on the existing drainage capacity of the area, together with concerns regarding flooding. I refer the Bord to section 10 of the submitted EIAR, 'Hydrology' and my assessment within that section below.

11.12.2 In term of site services, new water supply and wastewater connections are proposed. As existing, the drainage systems are mainly combined systems (carrying foul and surface water). The existing sewerage network in the vicinity of the site eventually discharges to the Poplar Row pumping station (to the east) and from there sewage is pumped to the municipal wastewater treatment at Ringsend. The new development will comprise a separated drainage system. The foul system will connect to the Irish Water network at three locations while the vast majority of surface water will not discharge into IW combined sewers, but rather will be attenuated to 2 litres/sec/hectare (slowed down and temporarily stored) and discharged to the Tolka River. SuDS will be incorporated into the development and will include green roofs, permeable paving, filter drains, rain garden and shallow infiltration systems.

11.12.3 An Irish Water CoF was submitted with the application, as required. It states that the proposed connections can be facilitated, subject to conditions. In addition, a Design Submission was included with the application, in which Irish Water state that they have no objections to the proposal. A submission received from Irish Water in response to this current application states that based upon the details provided by the developer and the contents of same have been summarised above. Irish water have not expressed objections to the proposal, subject to conditions. This is considered acceptable.

11.12.4 A number of documents were submitted which deal with the matter of drainage and flood risk, including, inter alia, an Infrastructure Planning Report and a Site Specific Flood Risk Assessment. The information contained within these documents appears reasonable and robust. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions. I am satisfied in this regard.

Flooding

11.12.5 The contents of the submitted Site Specific Flood Risk Assessment and Masterplan Area Flood Risk Assessment appear reasonable and robust. The proposed development is located within Flood Zone C and therefore the proposed development is deemed 'Appropriate' in accordance with OPW guidelines. The site has not been subject to flooding in recent history. The risk of tidal and pluvial flooding is considered very low. The risk of fluvial flooding in the area is currently under review by the OPW. However, this risk is considered low due the site located outside the 0.1% AEP fluvial coupled with the 50% AEP tidal flood extent. In addition, the considerable level difference between the proposed finished levels and the riverbank levels in the vicinity are noted.

11.12.6 I note that this is a serviced, appropriately zoned site at an urban location. The planning authority has raised no concerns in relation to this matter, subject to conditions. Based on all of the information before me, including the guidance contained within the relevant Section 28 guidelines, I am satisfied that the site can be serviced adequately and that the proposed development will have no adverse effects on the surrounding area, subject to standard drainage conditions.

11.13 Other Matters

Childcare Facilities and Schools

11.13.1 A Childcare and Schools Assessment has been submitted with the application, which concludes that omitting the studio and one-bed units from the calculations, the proposal would lead to a childcare requirement of 125 childcare spaces. The applicant contends that the proposed crèche size is appropriate given the extent of studio and one-bed units. It is stated that within 1.5km of the subject site, there are 39 no. childcare facilities. Data from the Tusla's Register of Early Years Services indicates these facilities have a capacity of 1,558 no. places. I acknowledge that a shortcoming of this report is that the level of vacancy within these facilities has not been put forward. This matter has also been raised by the planning authority.

11.13.2 A childcare facility is proposed within Block A4, which has capacity for 125 children. The extent of studio and one-bed units is noted. I am satisfied in this regard. The planning authority contend that that the applicants analysis of the need for childcare

generated by this development further emphasises the point that the proposed development does not provide an adequate mix of units to cater for families. They also raise concerns that the proposed development does not comply with the Guidelines for Planning Authorities on Childcare Facilities (2001). While this is noted, I am of the opinion that the proposed childcare facility is in compliance with the standards set out in the Childcare Facilities Guidelines for Planning Authorities (2001). These guidelines allow for the omission of studio and one-bed units. I am satisfied in this regard.

11.13.3 In terms of school provision, the submitted Childcare and Schools Assessment states that there are 32 primary schools and 15 post primary schools within a 2km radius of the site. Following a nationwide demographic exercise carried out by the Department of Education and Science into the current and future need for primary and post-primary school places across the country, it is noted that 2 no. primary schools and 2 no. post primary schools are ear-marked for future delivery in the wider area. Given the quantity and capacity of the schools in the 2 km radius of the site and the future planned schools in the area, the applicant considers that there is sufficient capacity to cater for the proposed development, and that these zoned lands have been considered by the Department of Education and Skills in their assessment for future school demand. I note that the Department of Education and Skills did not make any submission to this application. While noting the contents of the Childcare and Schools Assessment in relation to school provision, the planning authority do not make comment. I am generally satisfied in this regard.

Property Depreciation

11.13.4 The Planning Authority has expressed concerns that the proposed scheme would depreciate the value of property in the vicinity. I have no information or evidence before me to believe the proposed development, if permitted would depreciate the value of property in the vicinity.

Boundary/Legal Matters

11.13.5 I note that one of the submissions received relate to boundary concerns. In addition, I note that some submissions state that Article 44.6 of the Constitution limits the sale of Church lands. I can only undertake my assessment based on the information before me and I am satisfied that the applicant has demonstrated sufficient legal

interest to make this application. I also note that some submissions state that the proposal is breaching Ireland's human rights obligations to provide adequate housing. Quality housing is being provided in this proposal to meet the demands of a sector of society. All such issues are considered to be legal matters outside the remit of this planning application. As in all such cases, the caveat provided for in Section 10(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

Consultation

11.13.6 I note that some of the submissions received relate to a perceived lack of adequate pre-application consultation with local residents. While I acknowledge that this may have been beneficial to both sides, there is no requirement in the legislation for such consultation to take place. I agree with the opinion of some of the observers, that in the event of planning permission being granted for the proposed development, the appointment of a liaison officer as a point of contact for local residents/general public may be beneficial. The applicants have addressed this matter in section 5.5.6.6 of the submitted EIAR and state that as part of a Community Liaison Plan, a designated community liaison official will be appointed, so that particular issues/complaints raised by local residents may be quickly identified and responded to. This is considered acceptable.

Community and Social Infrastructure Audit

11.13.7 Many of the third party submissions received raises concerns with regards to how the proposal will make a contribution to social infrastructure in order to create sustainable neighbourhoods and contend that it is not clear if the local community will have access to amenities within the development. The proposed residential support facilities/tenant amenity facilities, together with private and communal open spaces will be for use solely for residents of the proposed development. This is considered reasonable. The public open space provision, together with retail/commercial offerings will be available to the wider public.

11.13.8 It is noted that a Community and Social Infrastructure Audit was submitted, as per Development Plan requirements. The information contained therein is noted. The planning authority have raised serious concerns regarding the proposed residential mix and its impact on this well-established neighbourhood. They refer to Section 16.10.4 of the operative City Development Plan 'Making Sustainable Neighbourhoods- An Assessment of Community Facilities and Social Infrastructure' and an assessment of the capacity of local schools. They express concern regarding the level of detail included in the application, in order to consider the impact of the development on existing and potential residents in the area and on the ability of local social and community infrastructure to absorb the increase in population generated as a consequence of this high density development. As I have stated above, this is an established part of the city, in close proximity to established services and facilities including retail, educational, sporting and a wide range of employment generating uses. It is proximate to excellent public transport facilities, a short distance from Dublin city centre. It is also located a short distance from Dublin airport. I have no information before me to believe that the existing social infrastructure in the area does not have capacity to absorb a development of the nature and scale proposed.

Impacts of proposal on foundations of adjoining residential properties

11.13.9 I note concerns expressed regarding impacts on the foundations of adjoining residential properties. A Development Construction Management Plan and Construction Environmental Management Plan were submitted with the application. Having regard to the separation distances involved, I have no information before me to believe the proposal would have any structural impacts on nearby residential properties. However, in order to safeguard the foundations of all adjoining properties, the submission of a final Construction Management Plan should be dealt with by means of condition. A grant of permission does not entitle any party to damage third party property. In addition, the development is subject to other planning codes.

Part V

11.13.10 Many of the submissions received raise concern with regard the location of the Part V units, with some considering that it will lead to social segregation within the proposed scheme. The proposed Part V units are all located within Blocks A2

and A3. I note the Part V details submitted, together with the report of the Housing Section of the planning authority submitted with the application in this regard. In total, 160 Part V units are proposed, located with Block A2 and A3 comprising 59 x studio; 43 x one-bed and 58 x two-bed. The planning authority have not expressed concerns in this regard and state that the applicant has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site, if permission is granted. I note the changes to the Part V legislation since the making of this application and I note that it is not clear from the application documentation when the applicant purchased the lands. I have dealt with this matter above and I refer the Bord to same (see section 11.2.14). I have no issue in relation to this matter.

Plant/Machinery at Roof Level

- 11.13.11 If the Bord is disposed towards a grant of permission, I recommend that a condition should be attached to any such grant stipulating that plant/machinery at roof level be the subject of a separate application. This matter could be adequately dealt with by means of condition.

Fire Regulations

- 11.13.12 A large number of submissions raise concerns with regards compliance with fire regulations. Assessment of the proposal against compliance with such fire regulations is outside the remit of the planning legislation, such matters are subject to other codes.

Inconsistencies/Typographical Errors

- 11.13.13 I note some inconsistencies/typographical errors throughout the documentation and this has been raised in some of the third party submissions received. I can comprehensively assess the proposal before me, irrespective of these relatively minor errors.

Sustainability/Adaptability

- 11.13.14 I note an Energy and Sustainability Report has been submitted with the application documentation and the issue of future adaptability has been dealt with in the Statement of Consistency, the EIAR (section 3.5.1.6) and in the submitted Architectural Design Statements. I am generally satisfied in this regard.

Public Health

11.13.15 Some of the submissions received refer to the presence of Covid-19 and the ability of the proposed development to operate safely in such circumstances. The management of the proposed facility in such circumstances, or similar circumstances, will be a matter for the applicants to address, in light of public health advice pertaining at that time.

12.0 Appropriate Assessment Screening

- 12.1.1 An Appropriate Assessment Screening Report was submitted with the application. I also refer the Bord to section 8 Biodiversity and section 10 Hydrology-Surface Water of the submitted EIAR. The Hydrological and Hydrogeological Qualitative Risk Assessment Report (HHQRA), which includes for a Conceptual Site Model, is referenced in the AA Screening document and I refer the Bord to same. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used.
- 12.1.2 The AA Screening Report concludes that in view of best scientific knowledge, the proposed development at Holy Cross College site, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. I am satisfied that the best scientific knowledge for the purpose of a screening test has been put forward in this instance.
- 12.1.3 The planning authority in their Chief Executive Report state that they concur that no significant effects are likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network. I also note the contents of the submission received from Inland Fisheries Ireland.

Mitigation measures at local level relating to River Tolka

12.1.4 I shall deal with this matter at the outset, before proceeding any further in the AA Screening assessment. I again highlight to the Bord that the screening conclusion, as set out in the submitted AA Screening Report is such that the proposed project at the Holy Cross College site, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites. As will be seen in the following sections, I am satisfied that there is a low likelihood of significant levels of any polluting substances getting into the system. Notwithstanding the above, I highlight to the Bord that the proposal includes for two no. surface water outfalls to the River Tolka. Surface water run-off from the proposed project will drain by gravity and be attenuated prior to discharge to the River Tolka via these two new surface water outfalls, with the exception of one building adjacent to Clonliffe Road. The River Tolka is of very high ecological value and its importance as a habitat corridor and for its bird, mammal and fish species is noted. I am very cognisant of the fact that the Tolka Estuary SPA is the closest designated site to this development site and there is a direct pathway from the site to this designated site. Mitigation measures in relation to the protection of the River Tolka at a local level have been detailed in the submitted accompanying documents including the EIAR, Outline Construction Surface Water Management Plan and Outline CEMP and I refer the Bord to same. I am of the opinion that the Screening Report is very clear that any measures proposed are not needed to avoid, prevent or reduce significant effects on European Sites within Dublin Bay and that no mitigation has been put forward in this regard. I have examined all mitigation measures put forward in the aforementioned documents and am satisfied that the intention of the measures detailed are directed solely at protecting the fisheries value and habitat of the Tolka River at a local level- species and habitat features that are not included as qualifying interest features for the downstream SPA sites and SAC sites.

12.1.5 In relation to this matter, I note the submission from the Department of Housing, Local Government and Heritage in relation to nature conservation. I note they are recommending that permission be granted, subject to conditions. Notwithstanding the reason in their recommended Condition No. 4, as stated previously, I am of the

opinion that these are best construction measures/practices that they are referring to. I am not considering them as mitigation in the context of the designated sites but instead as measures to protect the ecology at a local level of the River Tolka. Notwithstanding the reason attached to recommended Condition No. 4 of the Department submission, I am of the opinion that these measures would be required in any such development, irrespective of whether there were designated sites in proximity or not.

- 12.1.6 While I acknowledge that the purpose of these measures may have no connection with a designated site, it could be argued that it does not exclude the possibility that there may be more than one purpose for the measures and there may be some incidental protection of the designated sites. In this regard, I am satisfied that the intention of the measures in question, are such, that they were adopted not for the purpose of avoiding or reducing the potential impact on the relevant designated sites but were adopted solely and exclusively for some other purpose, namely protecting the fisheries value and habitat of the Tolka River itself at a local level. I am of the opinion that many of the measures are essentially best-practice construction measures and their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission.

Designated Sites and Zone of Impact

- 12.1.7 The subject site is not located within any Designated European site, however the following Natura 2000 sites are located within the potential zone of impact:

Table 14:

Site Name and Code	Distance from Dev Site	Qualifying Interests/SCI Conservation Objectives
South Dublin Bay SAC (Site Code 000210)	c.4.2km to SE	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines

		<p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>
North Dublin Bay SAC (Site Code 000206)	c.4.7km to E	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with white dunes</p> <p>Fixed coastal dunes with grey dunes</p> <p>Humid dune slacks</p> <p>Petalwort</p> <p><u>Conservation Objective:</u></p> <p>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>
Baldoyle Bay SAC (Site Code 000199)	c.8.7km to NE	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p>

		<p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Howth Head SAC (Site Code 000202)	c.10.3km to E	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>European dry heaths</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>
Rockabill to Dalkey Island SAC (Site Code 003000)	c.10.9km to E	<p>Reefs</p> <p>Harbour Porpoise</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>
Malahide Estuary SAC (Site Code 000205)	c.11.1km to NE	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p><u>Conservation Objective:</u></p>

		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.
Ireland's Eye SAC (Site Code 002193)	c.13.1km to NE	<p>Perennial vegetation of stony banks</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p>
Glenasmole Valley SAC (Site Code 001209)	c.14.1km to SW	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (* important orchid sites)</p> <p>Molinia meadows on calcareous, peaty or clayey-siltladen soils</p> <p>Petrifying springs with tufa formation</p> <p><u>Conservation Objective:</u></p> <p>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>
Wicklow Mountains SAC (Site Code 002122)	c.14.2km to S	<p>Oligotrophic waters containing very few minerals of sandy plains</p> <p>Natural dystrophic lakes and ponds</p> <p>Northern Atlantic wet heaths with Erica tetralix</p> <p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Calaminarian grasslands of the Violetalia calaminariae</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas</p>

		<p>(and submountain areas, in Continental Europe)</p> <p>Blanket bogs (* if active bog)</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><i>Lutra lutra</i> (Otter)</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p>
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024),	c.1.8km to E	<p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p>Wetlands & Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species</p>

		and wetland habitat for which the SPA has been selected.
North Bull Island SPA (Site Code 004006),	c.4.7km to E	<p>Light-bellied Brent Goose</p> <p>Shelduck</p> <p>Teal</p> <p>Pintail</p> <p>Shoveler</p> <p>Oystercatcher</p> <p>Golden Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Black-tailed Godwit</p> <p>Bar-tailed Godwit</p> <p>Curlew</p> <p>Redshank</p> <p>Turnstone</p> <p>Black-headed Gull</p> <p>Wetlands & Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>
Baldoyle Bay SPA (Site Code 004016)	c.9.1km to NE	<p>Ringed Plover</p> <p>Shelduck</p> <p>Golden Plover</p> <p>Bar-tailed Godwit</p> <p>Grey Plover</p> <p>Light-bellied Brent Goose</p> <p>Wetlands and Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species</p>

		and wetland habitat for which the SPA has been selected.
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (Site Code 004025)	c.11.1km to NE	<p>Shelduck</p> <p>Pintail</p> <p>Goldeneye</p> <p>Oystercatcher</p> <p>Redshank</p> <p>Knot</p> <p>Bar-tailed Godwit</p> <p>Black-tailed Godwit</p> <p>Golden Plover</p> <p>Light-bellied Brent Goose</p> <p>Dunlin</p> <p>Grey Plover</p> <p>Red-breasted Merganser</p> <p>Great Crested Grebe</p> <p>Wetlands</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected</p>
Ireland's Eye SPA (Site Code 004117)	c.12.8km to NE	<p>Cormorant</p> <p>Herring Gull</p> <p>Kittiwake</p> <p>Guillemot</p> <p>Razorbill</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the bird</p>

		species listed as Special Conservation Interests for this SPA.
Howth Head Coast SPA (Site Code 004113)	c.13.1km to E	Kittiwake <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
Dalkey Islands SPA (Site Code 004172)	c.14.2km to SE	Arctic Tern Common Tern Roseate Tern <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the species for which this SPA has been selected.
Wicklow Mountains SPA (Site Code 004040),	c.14.4km to S	Merlin Peregrine <u>Conservation Objective:</u> To maintain or restore the favourable conservation condition of the species for which the SPA has been selected.

12.1.8 The AA Screening report states that for completeness, the above table includes all sites within 15km of the site, however it notes that only the offshore sites are linked in any way to the proposed project site. None of the other listed sites, and no sites further afield, are remotely linked to the proposed project site, by virtue of distance, lack of a pathway and the reasons for their designation.

Qualifying Interests/Features of Interest

12.1.9 Qualifying Interests/Special Conservation Interests for which each European Site have been designated are outlined in Table 14 above and Table 2 of the AA Screening Report (pages 18-26 inclusive).

Conservation Objectives

12.1.10 The Conservation Objectives for the above sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat for which the site has been selected.

Potential Direct/Indirect Impacts

12.1.11 I note that potential impacts are identified in the AA Screening Report and these are then applied to the designated sites within the zone of influence.

12.1.12 There is a direct pathway to the designated sites within Dublin Bay, via the River Tolka. The River Tolka passes along the northern boundary of the site, and it is proposed to construct two new surface water outfalls to the river.

12.1.13 In terms of indirect pathways, there is a potential surface water pathway from the site of the proposed development to Dublin Bay via the local surface water drainage network.

12.1.14 There is also a potential groundwater pathway between the proposed development site and the European sites should indirect discharges (i.e. spillages to ground) occur, or should any contamination on the site enter the ground water.

12.1.15 It is acknowledged in the Screening Report that contaminated water could potentially discharge to the ground or the local surface water drainage network and the River Tolka and from there, eventually, to the sea.

12.1.16 There will be indirect connectivity to Dublin Bay via the municipal wastewater system to Ringsend Wastewater Treatment Plant during the operational phase.

Construction Stage

Assessment

12.1.17 As stated above, there is a potential risk to water as surface/ground water arising at the site may contain contaminants. The main contaminants arising from construction activities may include suspended solids, hydrocarbons and concrete/cement products. If not properly managed, such pollutants could potentially discharge to the ground or the local surface water drainage network and the River Tolka and from there, eventually, to the sea.

12.1.18 The source-pathway-receptor linkages have been assessed assuming an absence of any measures intended to avoid or reduce harmful effects of the proposed project in place at the proposed development site. Table 1 of the submitted AA Screening report is an extract from the above mentioned HHQRA report and outlines a pollutant linkage assessment of the proposal, without mitigation. It states that despite the presence of pathways to European sites, the risk of contamination of any watercourse or groundwater is extremely low, and even in the event of a pollution incident significant enough to impact upon surface water quality on the proposed project site or the Tolka, this would not be perceptible in any European sites given the distance involved, the occurrence of significant levels of dilution and the fact that the construction phase would occur over a relatively short phase, with no possibility of long-term impacts.

12.1.19 I also note the following:

- Despite the presence of pathways to designated sites, I note that these would be in common with all extant development in the area.
- The examination of the unlikely scenario of some construction related pollutants escaping the site via ground water or surface water is identified and addressed in the Screening Report.
- Despite the presence of pathways to European sites, the risk of contamination of any watercourses or groundwater is extremely low
- The nearest designated site of Dublin Bay (South Dublin Bay and River Tolka Estuary SPA) is c.1.8km from the proposed project site
- A significant level of dilution and mixing of surface and sea water would occur in any event. Upon reaching the bay any pollutants would be even further diluted and dissipated by the waters in Dublin Bay;
- There is no possibility of long-term impacts arising as a result of the construction elements of the proposed project, given the nature and scale of the proposed project and its location in the centre of a busy city at a remove from the European sites. This includes the proposed construction of the new surface water outfalls to the River Tolka which are very minor in scale.

- There is no possibility of any other potential direct, indirect or secondary impacts on any European site during the construction phase.
- There will be no loss, fragmentation, disruption, disturbance or other change to any element of any European site as a result of the construction of the proposed project, and no interference with the key relationships that define the structure or function of any European site
- I note construction practices proposed. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission.

12.1.20 I am of the opinion that this matter does not require further in-depth scientific examination.

Operational Phase

Assessment

12.1.20 As stated above, there will be indirect connectivity to Dublin Bay via the municipal wastewater system to Ringsend Wastewater Treatment Plant during the operational phase. There is also a potential surface water pathway from the site of the proposed development to Dublin Bay via the local surface water drainage network.

12.1.21 The following is noted:

- Surface water run-off from the proposed project will drain by gravity and be attenuated prior to discharge to the River Tolka via the two new surface water outfalls, with the exception of one building adjacent to Clonliffe Road. This will discharge at a restricted rate to the Irish Water combined sewer on Clonliffe Road
- The management of surface water for the proposed development has been designed to comply with the policies and guidelines outlined in the Greater

Dublin Strategic Drainage Study (GDSDS) and with the requirements of planning authority.

- The proposed development is designed in accordance with the principles of Sustainable Urban Drainage Systems (SuDS).
- The AA Screening addresses the fact that no mitigation specific to European sites is proposed and that surface water management is in line with GDSDS with SuDS measures to be implemented. I am of the opinion that this is not mitigation for the purposes of protection of any Natura designated site.
- A Site Specific flood risk assessment concluded that the proposed project site falls within Flood Zone C and the proposed project is deemed 'Appropriate'
- There will be no operational impacts related to surface water management or flooding on European sites or otherwise, as a result of the proposed project.
- Neither the planning authority nor Irish Water have expressed any objections to the proposal, in this regard.

12.1.22 In terms of indirect connectivity to Dublin Bay via the municipal wastewater system to Ringsend Wastewater Treatment Plant, I note that:

- The new foul drainage system for the development will connect to the Irish Water network and IW have expressed no objections to the proposal, subject to conditions
- Foul wastewater discharge from the proposed project will be treated at the Irish Water Wastewater Treatment Plant at Ringsend prior to discharge to Dublin Bay. The Ringsend WWTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP Reg. Ref.: 301798) in 2019 for upgrade works.
- Regardless of the status of the WWTP upgrade works, the peak discharge from the proposed project, equivalent to 0.22% of the licensed discharge at Ringsend WWTP, is not significant in the context of the existing capacity available at Ringsend.
- There will be no operational phase impacts related to foul water management, on European sites or otherwise, as a result of the proposed project.

- Irish Water have not expressed any objections to the proposal

12.1.23 I am of the opinion that this matter does not require further in-depth scientific examination.

Impacts on Wintering Birds

12.1.24 In terms of **wintering birds**, I note the following:

- Several European sites in the wider Dublin area, including the South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA support a range of wintering bird species
- Overall lands at Holy Cross College have the apparent potential to be suitable for use by wintering birds such as Brent geese. However, the southern part of the site, despite the availability of amenity grassland, is in fact of low suitability for Brent geese because the species requires fairly large, open areas of grassland, and the areas of amenity grassland in this part of the site are broken up by the trees and shrubs. The northern half of the overall site (which is outside the proposed project site) is more open, but is similarly of low suitability for this species, as it is not regularly mown. There is no evidence submitted that would raise concerns for me that this site is used by protected species in SPAs
- Two separate seasons of overwintering bird surveys were commissioned in order to inform this ecological impact assessment, conducted by Scott Cawley on behalf of the applicant
- Results of the 2019/2020 surveys recorded seven SCI species of European sites either flying over or foraging in the Holy Cross College site, namely black-headed gull, herring gull, light-bellied Brent goose, cormorant, curlew, grey heron and kingfisher.
- Results of the 2020/2021 surveys recorded six SCI species of European sites either flying over or foraging in the Holy Cross College site, namely herring gull, light-bellied Brent goose, cormorant, curlew, grey heron and kingfisher
- Brent geese were not observed foraging within the lands on any survey dates and no evidence of usage by the species was collected during any survey transects in the proposed project site

- In the case of Black-headed Gull, Herring Gull, Brent Geese, Curlew, Cormorant, Grey Heron and Kingfisher, it was demonstrated that the peak count of birds in the survey area in 2019/20 and 2020/2021 is significantly less than 1% of the international population of these species (Herring gull represents 1.4%; Cormorant represents 0.16%; Curlew represents 0.02% while black-headed gull represents 0.0008% of the 1% international population of the species. As stated above, Brent Geese were not observed foraging within the lands on any survey dates across two winter survey periods and no evidence of usage by Brent Geese was collected from completion of survey transects in the proposed development site.
- Survey results clearly demonstrate that the proposed project site is of no significant value for any SCI species due to the low suitability of the habitats on the Clonliffe College lands and the availability of extensive areas of suitable habitat in the wider Dublin area
- Of note, in the 2019/2020 survey report, the proposed development site was heavily utilised by dog walkers over the 2019-2020 season, with dogs generally observed off-lead. This may have discouraged birds such as Brent geese and Curlew from landing in the site. However, the proposed development site has been closed off to the public since March 2020, and no dog walkers were permitted onto the site during this period, which included the entire 2020/2021 winter bird survey season. This change to the accessibility of the site has not resulted in any significant changes to the use of the site by any bird species listed as Special Conservation Interest species in any European site

12.1.25 I am satisfied in this regard and am of the opinion that this matter does not require further in-depth scientific examination.

Bird Strike

12.1.26 In terms of the matter of **bird strike**, I note that the proposed project site is approximately 1.8km from the nearest SPA and the risk of collision is imperceptible. I refer the Bord to section 8.5.2 of the submitted EIAR for analysis on this matter. Birds tend to fly higher than the tallest obstruction in their flightpath and also to fly at a greater height between foraging sites. No Brent geese were observed anywhere

on the site during two years of comprehensive bird survey and the project site is not an important site for this or any other overwintering species. I am of the opinion that this matter does not require further in-depth scientific examination.

Conclusion

- 12.1.27 Given all of the information outlined above, it appears evident to me from the information available in this case that the proposed development would not be likely to have a significant effect on any Natura 2000 site, whether directly or indirectly or individually or in combination with any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not required.

13.0 Environmental Impact Assessment

13.1 Statutory Provisions

- 13.1.1 This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 13.1.2 The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.
- 13.1.3 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:
- 500 dwellings

- an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The development proposes 1614 residential units and has a stated area of 8.9 hectares. It therefore requires mandatory EIA and an EIAR has been submitted with the application.

13.1.4 The EIAR is laid out as follows:

- Volume 1 of the EIAR provides a Non-Technical Summary of its content
- Volume 2 includes the Written Statement of the EIAR (Chapters 1-23)
- Volume 3 includes the Technical Appendices including, *inter alia*, Wintering Bird Survey Reports, Bird and Bat Survey, Soil Testing Results, Photographic Records, Results of Wind Modelling.
- Table 1.2 describes the methodology employed within the assessment of each chapter and Table 1.3 describes the expertise of those involved in the preparation of the report.
- Mitigation measures and monitoring described throughout the report are summarised in Chapter 23

13.1.5 The strategic need for the development is outlined in the context of the zoning of the site and national and local planning policy, set out in section 3.

13.1.6 The likely significant direct and indirect effects of the proposed development are considered in the remaining chapters which collectively address the following headings, as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Human Health
- Biodiversity (Flora and Fauna)
- Land, Soils, Geology and Hydrogeology
- Hydrology- Surface Water
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual
- Cultural Heritage- Architectural Heritage

- Cultural Heritage-Archaeology
- Microclimate-Daylight/Sunlight
- Microclimate-Wind
- Traffic and Transportation
- Material Assets- Waste
- Material Assets-Services
- Interactions and Cumulative Impacts
- Mitigation and Monitoring

13.1.7 I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

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

13.1.9 This EIA has had regard to the application documentation, including the EIAR, the observations received and the planning assessment completed above.

13.1.10 The planning authority state in their Chief Executive Opinion that the EIAR on the subject site should encompass consideration of the entire masterplan including the adjoining hotel site and the GAA playing pitches. I am satisfied that the applicant has endeavoured to do this within the submitted EIAR.

13.2 Alternatives

13.2.1 Article 5(1)(d) of the 2014 EIA Directive requires the following:

“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

13.2.2 Section 4 of the submitted EIAR deals with alternatives and sets out alternative layouts and designs considered. It is considered that the issue of alternatives has been adequately addressed in the application documentation.

13.3 Consultations

13.3.1 Details of the consultations carried out by the applicant as part of the preparation of the application and EIAR are set out in the documentation submitted and are considered adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

13.4 Assessment of Likely Significant Direct and Indirect Effects

My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, together with my site visits.

13.4.1 Population and Human Health

Section 7 of the EIAR is entitled population and human health. The study methodology is detailed identifying the sources of desk-based studies. The characteristics of the development are described as well as the existing receiving environment. The site is located on the north side of Dublin City, approximately 1.7 km north of the city centre, in the mature inner suburb of Drumcondra. Demographic information is provided for the North inner City and Drumcondra South B Local Electoral Areas. Socio-economic information for the area is also provided. Community facilities and amenities are also detailed.

Potential impacts are described. Mitigation measures have been outlined that will ensure that significant negative residual impacts/effects on human health or population will be largely avoided. Some exceptions have been outlined for example short-term, negative, slight to significant impacts during construction stage. Overall, it is stated that the proposed project is expected to result in a net positive impact on population and human health once operational, principally in that it will deliver a high volume of high-quality rented housing in the context of an ongoing housing crisis, in a manner that is consistent with national and regional-level policy.

Assessment

Many of the submissions received raised concerns about population increase and impacts on capacity of the existing infrastructure. One submission received raises concern with regards the location of the ESB substation located to the north of its property (south of Block D2). I have no information before me to believe that the location of this structure would have any negative impacts on the health or wellbeing of adjoining properties. The Bord may wish to re-locate this ESB substation. However, I am of the opinion that this is unwarranted. The matter could be adequately dealt with by means of condition. Other submissions received contend that the proposal is such that it will negatively impact on the physical and mental health of future occupiers. I do not concur with this assertion and there is no information/evidence on file to validate these concerns. A quality proposal has been put forward to cater to the needs of a sector of society, in accordance with national policy guidance. I am satisfied in this regard.

I have considered all of the written submissions made in relation to population and human health. Many submissions raised concerns about population increase and the lack of facilities/services to cater for this new population. Based on the data presented and as noted above, I consider that the proposed development will provide much needed accommodation in an established area. Existing services and facilities are noted in the wider area and the proposed childcare facility, café and retail unit is also acknowledged.

There will be some nuisance issues for the existing residents during construction, but with the mitigation measures proposed in the Construction Environmental Management Plan (CEMP), these will be reduced and will not result in a seriously negative impact. Furthermore, they are temporary in duration. Cumulative impacts have been addressed.

Any concerns I may have in relation to the 100% BTR nature of the development, identified above, are from a planning perspective and are not an environmental concern. I consider that the proposed development will provide much needed accommodation in an established area. There are many schools in the wider area, and I note the Department of Education have not objected to the proposal. The

planning authority have not raised concerns in relation to this chapter of the submitted EIAR.

I am satisfied that this matter has been appropriately addressed in terms of the application and the information submitted by the applicant. Having regard to the development of residential accommodation on zoned and serviced lands, and having regard to the need for residential development for the increasing population, I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable adverse direct, indirect or cumulative effects on population and human health.

13.4.2 Biodiversity (Flora and Fauna)

Section 8 of the EIAR refers to biodiversity (flora and fauna). I refer the Bord to the Appropriate Assessment Screening section above.

A biodiversity impact assessment for the proposed development, which assessed the potential impact to the ecological receptors during the construction and the operational phase of the development was undertaken. The Screening for Appropriate Assessment is referenced. Methodology utilised is described. Ecological surveys were first undertaken at the site, including habitat, invasive species, mammal and day-time bat surveys in January 2020. These surveys were repeated in March and June 2020. Two seasons of overwintering bird surveys were undertaken. Details of all surveys undertaken are set out in section 8.3.2 of the submitted EIAR. Habitats present on the proposed site are shown in Figure 8.3 of the submitted EIAR.

Watercourses

There are no watercourses or drainage ditches within the proposed project site. However, the River Tolka, which is acknowledged as being a very significant habitat corridor within Dublin City, runs along the northern boundary of the wider masterplan lands. Two surface water outfalls from the proposed project will discharge into the river. The River Tolka is noted as a highly significant regional salmonid catchment. The River Tolka, including the riparian corridor, is of County Importance in terms of habitats. The Dublin City Otter Survey (2019) recorded significant otter activity all

along the Tolka, including otter prints on the riverbank where it passes along the northern boundary of the Holy Cross College lands. (I note the direct links from the site to the designated sites within Dublin Bay and that the otter is not a Qualifying Interest for those Dublin Bay designated sites).

Designated Sites

The nearest European sites are the Special Areas of Conservation (SAC) and Special Protection Areas (SPA) associated with Dublin Bay, with the nearest being the South Dublin Bay and River Tolka Estuary SPA, which is approximately 1.8km to the east.

The nearest site designated for nature conservation, not otherwise designated as a European site, is the Royal Canal pNHA (Site Code 002103), located approximately 300 m from the proposed project site at its nearest point. There is no surface water pathway between the proposed project site and the Royal Canal and as noted in the HHQRA the canal is fully lined and as such there is no potential for hydrogeological connectivity.

Rare/Protected Plants

There are no known records of rare or protected plant species within the proposed site or within the 2 km grid square that covers the site, and none were recorded during any of the site visits undertaken.

Wintering Birds

The overall masterplan lands have the apparent potential to be suitable for use by wintering birds such as Brent geese. However, the southern part of the site, despite the availability of amenity grassland, is in fact of low suitability for Brent geese, because the species requires quite large, open areas of grassland. The areas of amenity grassland in this part of the site are broken up by the trees and shrubs. The northern half of the masterplan lands (which is noted to be outside the proposed site, as outlined in red) is more open, but is similarly of low suitability for this species, as it is not regularly mown.

Notwithstanding the apparent low suitability of the lands, two separate seasons of overwintering bird surveys were commissioned in order to inform this ecological impact assessment. The results of the 2019/2020 surveys recorded seven Special Conservation Interest (SCI) species of European sites either flying over or foraging in the Holy Cross College lands (black-headed gull, herring gull, light-bellied Brent goose, cormorant, curlew, grey heron and kingfisher). The results of the 2020/2021 surveys recorded six SCI species of European sites either flying over or foraging in the Holy Cross College site (herring gull, light-bellied Brent goose, cormorant, curlew, grey heron and kingfisher). Brent geese were not observed foraging within the lands on any survey dates and no evidence of usage by the species was collected during any survey. It has been demonstrated that the peak count of birds in the survey area in both the 2019/20 and 2020/21 surveys are less than 1% of the international population of these species. These results demonstrate that the proposed project site is of not of significant value for any SCI species, due to the low suitability of the habitats on the Holy Cross College lands and the availability of extensive areas of suitable habitat in the wider Dublin area. A detailed assessment of the figures has been set out in section 8.4.61 of the submitted EIAR.

It is noted that the subject site has been closed off to the public since March 2020, with restricted access only. No dog walkers were permitted onto the site during this period, which included the entire 2020/21 winter bird survey season. This change to the accessibility of the site has not resulted in any significant changes to the use of the site by any bird species listed as SCI species in any European site.

Other Birds

All of the bird species recorded within the proposed site are very common in Ireland. All of these species are on the green list of Birds of Conservation Concern in Ireland, indicating that they not currently species of conservation concern. Goldcrest, an amber-listed species (of medium conservation concern) was recorded on the site, as was a single red-listed species, of significant conservation concern (swift), recorded flying over the site in 2020.

Kingfisher was recorded on the river, however there was no evidence of nesting holes or of suitable nesting habitat found, either within the river corridor adjacent to

the Holy Cross College lands or, more specifically, at or in the vicinity of the proposed surface water outfall locations.

Bats

The bat surveys concluded that there are no bat roosts within the proposed project site. However, it is acknowledged in the EIAR that this does not rule out the occasional use of features such as mature trees or buildings on the site by roosting bats. Three species of bat – common pipistrelle, soprano pipistrelle and Leisler's bat – were recorded feeding within the site during the surveys undertaken. The data suggest that bats are arriving on site from roosts external to it. There may be occasional usage of the buildings by individual bats. There was no evidence of maternity roosts or large numbers of bats anywhere in the buildings.

Large Mammals

No evidence of badgers was recorded on the proposed project site.

Otter activity is noted along the River Tolka, including otter prints on the riverbank within the Holy Cross College lands. No evidence of breeding/resting places for otters was recorded on the Tolka at Holy Cross College, including in the vicinity of the proposed surface water outfall locations. (I note the direct links to the Dublin Bay designated sites and that the otter is not a Qualifying Interest for any Dublin Bay designated site). I note that of all the sites listed as being within the zone of influence of this subject site, the otter is a Qualifying Interest within the Wicklow Mountain SAC (Code: 002122) only and that there is no link between this subject site and this Wicklow designated site.

Foxes and grey squirrel, which are not protected under wildlife legislation, were seen at the site on several occasions.

Other Species

No amphibians have been observed during the surveys undertaken to date at the Site. No evidence of common lizard has been recorded.

A number of species of butterfly were recorded on the site in 2020. No evidence of Ireland's only protected insect, the marsh fritillary butterfly, or its food plant was recorded on the site.

Invasive Species

A total of four invasive species was noted- Japanese knotweed, Giant hogweed, Himalayan balsam and three-cornered leek- have been recorded at various points within the Holy Cross College lands (not strictly on the subject site). There are two main stands of Japanese knotweed, most of which, with the exception of a small area near the Archbishop's House, is outside the proposed site. A small number of Himalayan balsam and giant hogweed plants were recorded along the banks of the Tolka (outside the proposed site). Some evidence of three-cornered leek was also recorded along the woodland in the western part of the proposed site as well as along the riverbank. A management plan to eradicate all these species is currently being implemented.

Predicated impacts of the proposed project are outlined in section 8.5 of the submitted EIAR for both the construction and operational phases. It is noted that the AA Screening document concluded that none of the habitats and species listed as qualifying interests or special conservation interests in any European site designation will be affected by the proposed project and full AA, including the preparation of a NIS is not required. In terms of designated conservation areas, extracts of the AA Screening report are noted which state that no mitigation measures are required for the protection of these European sites.

Mitigation measures are proposed for both the construction and operational phases. It is noted that no designated conservation areas will be impacted in any way by the proposed project and no mitigation measures are required in this regard. Mitigation measures include the installation of a significant number of bat and bird boxes both within the proposed project itself and within the retained woodland blocks, not to provide replacement roosts; rather, it is to augment the overall ecological value of the site.

In terms of cumulative impacts, it is stated that neither the aforementioned permitted hotel development nor any other developments will give rise to any significant impacts on biodiversity and there are no predicted cumulative impacts in relation to biodiversity.

There will be no long-term residual impact on ecological receptors, either within or in the vicinity of the proposed project site, or associated with any site designated for nature conservation as a result of the proposed project. There are no predicted cumulative impacts in relation to biodiversity.

There will be no long-term residual impacts on ecological receptors, either within or in the vicinity of the proposed project site, or associated with any site designated for nature conservation as a result of the proposed project.

Assessment

I have considered all of the written submissions made in relation to biodiversity including the third party submissions; the submission received from Inland Fisheries Ireland and the submission from the Department of Housing, Local Government and Heritage. The planning authority states that the proposal will result in the removal of some existing habitats of Local Importance (Lower Value) as well as alterations to parts of the site that are of Local Importance (Higher Value). While no bat roosts have been recorded on the proposed project site, there are several trees with roost potential and the felling of trees creates a risk of roost loss. It is proposed to install a total of 18 no. bat and bird boxes of various types (including boxes designed to be used by swifts) both within the proposed project itself and within the retained woodland blocks. The reason for the installation of additional bat boxes is not to provide replacement roosts; rather, it is to augment the overall ecological value of the site.

I note the tree loss proposed (179 trees; approximately 39% of the overall tree population). However, the landscaping proposals include for the replacement planting of 616 trees and in the longer term, I concur with the opinion of the Department that the planting of these trees should compensate for any biodiversity lost as a result of the proposed tree removals. Some of the observer submissions

received raise concerns regarding tree protection during the course of construction works. I note that a Tree Protection Plan forms part of the documentation submitted with the application and I am generally satisfied with the measures proposed, subject to condition.

I am of the opinion that impacts on biodiversity would not be so great as to warrant a refusal of permission. The landscaping proposed is of a high quality. The mitigation measures summarised in section 23.3 and monitoring measures summarised in Table 23.4 of the submitted EIAR are noted. The clearance of scrub and other vegetation that may be suitable for use by nesting birds will be undertaken outside the bird nesting season. Bird nesting surveys will be undertaken by suitably qualified ecologists. A pre-construction check for otters will be undertaken prior to the installation of the two surface water outfalls to the River Tolka. All mature trees shall be checked for bats by a bat specialist to identify trees with the highest potential prior to felling or major surgery.

Mitigation measure No. BIO5 is noted which states that the surface water mitigation measures proposed in Chapter 10 (Hydrology) and in the Outline Construction Surface Water Management Plan (CSWMP) and Construction Management Plan (CMP) (both submitted as part of this application under separate cover), will ensure that no sediment contamination, contaminated run-off or untreated wastewater will enter any on-site surface water drains and, in particular, the River Tolka as a result of the construction of the proposed project. I note that the River Tolka connects the subject site to the Tolka Estuary SPA (the closest designated site). As noted above, I have addressed the designated sites in the Appropriate Assessment Screening section of this report above. In the interests of clarity, I wish to reiterate that in terms of AA Screening, the applicant is very clear in the screening report that measures are not needed to avoid, prevent or reduce significant effects on the European Sites within Dublin Bay- Tolka Estuary SPA being the closest and connected via the River Tolka. I have examined all of the documentation before me in relation to this matter including the surface water mitigation measures proposed in Chapter 10 (Hydrology) and in the Outline Construction Surface Water Management Plan (CSWMP), and Construction Management Plan (CMP)(both submitted as part of this application under separate cover). I am satisfied that the intention of the

mitigation measures referenced in these documents is such that they are localised measures directed at protecting the fisheries value and habitat of the Tolka River- species and habitat features that are not included as qualifying interest features for the downstream SPA sites and SAC sites. I am satisfied that these measures were adopted not for the purpose of avoiding or reducing any potential impacts on the relevant designated sites in Dublin Bay but were adopted solely and exclusively for some other purpose- namely the localised protection of biodiversity at the project site. I am satisfied that these best construction measures would have been utilised irrespective of the designated sites downstream.

I note the Department have recommended that permission be granted, subject to conditions. I also note the report of the Inland Fisheries Ireland, which does not raise concerns in relation to the proposal, subject to conditions. The planning authority have not raised concerns in relation to this matter.

I am satisfied that biodiversity matters have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on biodiversity (flora and fauna) are likely to arise.

13.4.3 Lands, Soils, Geology and Hydrogeology

Section 9 of the EIAR deals with land, soils, geology and hydrogeology. This chapter provides an overview of the approach taken to address these topics. Desk studies and surveys carried out are described.

The site is composed of limestone till with soils comprised primarily of made ground/ not original fill material (signifying its suburban location) with deep, well drained mineral soil derived from limestone (BminDW) to the north of the site. It is underlain by a Locally Important Bedrock Aquifer (LI), of low value. There will be no direct discharges to the ground or abstractions from the aquifer during the operation of the proposed project.

The closest Natura 2000 sites are North Dublin Bay Special Area of Conservation (SAC), which is 5 km east of the proposed project site. The nearest Special Protection Area (SPA), the South Dublin Bay and River Tolka Estuary SPA, is

located 1.8 km east from the site.

A Conceptual Site Model (CSM) describes potential sources of contamination, the pathways and the receptors. This is detailed in section 9.3.7.7 of the EIAR. This identifies the potential sources of contamination and where required, the proposed mitigation measures.

It is proposed to remove 70,000 m³ of excavated material off-site. This material will be visually assessed for signs of possible contamination. Should it be determined that any of the soil excavated is contaminated, this will be segregated, classified and appropriately disposed of by a suitably permitted/licensed waste disposal contractor.

Relevant aspects of the proposed project, for both the construction and operational phases have been set out in Table 9.3. Potential geological and hydrogeological impacts during the construction and operational phases are presented in section 9.4.2 and 9.4.3. Mitigation measures to address these potential impacts are outlined. Residual impacts will be short-term, imperceptible and neutral during the construction phase and long-term, imperceptible and neutral at operational phase. Cumulative impacts are addressed.

No likely significant negative effects are predicted to occur as a result of the construction or operation of the proposed project.

Assessment

I have considered all of the written submissions made in relation to lands, soils, geology and hydrogeology. The planning authority have not raised matters with this chapter of the EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of lands, soils, geology and hydrogeology.

13.4.4 Hydrology- Surface Water

Section 10 of the submitted EIAR deals with hydrology- surface water. This chapter includes reference to a Site-Specific Flood Risk Assessment (SSFRA), Masterplan Area Flood Risk Report, Infrastructure Planning Report and Outline Construction

Surface Water Management Plan. This section assesses and evaluates the potential impacts of the proposed project on the hydrological environment, in terms of surface water. The inter-relationship between hydrology (addressed in Chapter 10 - Hydrology) and the above section on soils, geology and hydrogeology is acknowledged.

The existing environment and the characteristics of the proposed development are detailed.

The proposed project is located within the previously defined Eastern River Basin District (ERBD), now the Ireland River Basin District, and is within the River Liffey and Dublin Bay catchment and Tolka Sub-catchment.

On site, there are a combination of combined drains and surface water drains. There is an existing surface water system which collects run-off from the internal access roads, via road gullies, before discharging in a southerly direction into the combined sewer on Clonliffe Road. There is an existing combined system serving the cluster of Seminary Buildings, the majority of which discharge in a southerly direction, into a combined sewer on Holy Cross Avenue, and from there into the combined sewer on Clonliffe Road. A small proportion of the combined drainage system discharges in a northerly direction, into the combined public sewer.

The subject lands are all located within Flood Zone C and, as such, there is negligible flood risk associated with the proposed project and negligible flood risk to surrounding areas arising from the proposed project. It is noted that part of the GAA lands (outside of the red line boundary) are within Flood Zone B. However, the proposed project (given its location in Flood Zone C) is deemed to be 'less vulnerable'/'water compatible' and therefore the proposed project is deemed 'Appropriate' in accordance with the OPW guidelines, without the need for a justification test.

The River Tolka bounds the site to the north. Currently, the northern section of the site is hydraulically connected to the Tolka via overland flows. However, based on the distance to the nearest European Site (South Dublin Bay and Tolka Estuary

SPA), which is c. 1.8 km to the east, there would be no likely impact to the SPA.

Predicted impacts of the proposed project are set out in section 10.5. Predicted impacts from the construction phase on the hydrological environment, prior to mitigation, is stated to be short term-slight, with a neutral effect on quality. The predicted impact from the operational phase on the hydrological environment, prior to mitigation, is stated to be short term, not significant, with a neutral effect on quality.

Mitigation measures for both construction and operational phases are outlined in section 10.6, which includes for the preparation of a Final CMP for the construction phase and proposed SuDS measures including green roofs for the operational phase. Cumulative impacts have been addressed. No likely significant negative effects are predicted to occur as a result of the construction or operation of the proposed project.

Assessment

I have considered all of the written submissions made in relation to hydrology-surface water. The planning authority have not raised concerns in relation to this matter. The application has been reviewed by the Drainage Division of planning authority, which does not raise any objections, subject to conditions being imposed.

It is noted that during the operation phase, the design incorporates measures in accordance with the Greater Dublin Strategic Drainage Study (GDSDS), the SSFRA, together with SuDS measures.

The site is located in Flood Zone C and having regard to the mitigation measures proposed, I am satisfied that there will not be a negative impact on flooding as a result of the proposed development.

I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of hydrology- surface water.

13.4.5 Air Quality and Climate

Section 11 of the submitted EIAR deals with air quality and climate. Baseline data for the existing air quality environment, together with data available from similar environments indicates that levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene are generally well below the national and European Union ambient air quality standards. The greatest potential impact on air quality during the construction phase is from construction dust emissions. In order to minimise dust emissions during construction, a series of mitigation measures have been prepared, which include a Dust Minimisation Plan. When the dust minimisation measures set out in the Plan are implemented, fugitive emissions of dust from the site are considered to be short-term, negative and imperceptible and pose no nuisance at nearby sensitive receptors.

Potential impacts to air quality and climate during the operational phase of the proposed project are as a result of increased traffic volumes on the local road network. The change in traffic as a result of the proposed development was considered not of the magnitude to require a detailed assessment. The operational phase of the proposed project will have an imperceptible, neutral and long-term impact on air quality and climate. Cumulative impacts have been addressed.

Impacts to climate at this stage are predicted to be short-term, neutral and imperceptible. The proposed project has been designed to minimise the impact to climate, where possible, during operation for example by prioritising walking and cycling over private car use.

No significant impacts on either air quality or climate are predicted during the construction or operational phases of the proposed project.

Assessment

Some of the submissions received raised impacts in relation to impacts of dust during the construction phase. A Dust Minimisation Plan has been prepared.

I have considered all of the written submissions made in relation to air quality and climate. The planning authority states that they accept the findings of this chapter of the EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed

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

13.4.6 Noise and Vibration

Section 12 of the submitted EIAR deals with noise and vibration. Details of surveys undertaken have been detailed. Prevailing noise levels in the locality are primarily due to local road traffic. A noise impact assessment was undertaken which focused on the potential outward impacts associated with the construction and operational phases of the proposed development on its surrounding environment. Worst-case construction noise levels predicted that the nearest sensitive properties at 40m from construction activity, are predicted to be slightly above the threshold for significant impact during the general construction phase. At distances greater than 50m from noise-generating construction activity, the predicted levels are below the criterion for a significant noise impact. Mitigation measures have been outlined, to ensure any noise and vibration impacts are minimised.

Residual impacts are detailed. The primary sources of outward noise at the operational stage are long-term and will comprise traffic movements to site using the existing road network, and building services plant noise. The predicted increase in traffic flows associated with the project will result in an increase less than 1 dB along all roads. The predicted effect is neutral, imperceptible and long-term. The location of building services plant will be selected at the detailed design stage to ensure that noise emissions to sensitive receivers both external and within the development itself will be within the relevant criteria. The associated effects are considered neutral, not significant and long-term. Cumulative impacts have been addressed.

Assessment

Many of the third party submissions raise concerns regarding noise during the construction and operational phases of the proposed development. In terms of noise and vibration, I consider that there may be nuisance with noise during the construction phase. Mitigation measures have been detailed as part of the CEMP. These impacts would be temporary in nature. Given the nature of the development proposed, I do not anticipate noise levels during the operational phase to be excessive.

I have considered all of the written submissions made in relation to noise and vibration. The planning authority states that they accept the findings within this chapter of the submitted EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions for example noise sensors. I note the report of the Environmental Health Officer's Division of the planning authority which does not raise concern, subject to condition. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

13.4.7 Landscape and Visual

Section 13 of the submitted EIAR deals with landscape and visual and presents an assessment of the likely effects on the landscape and visual environment arising from the construction and operation of the proposed project. Methodology used has been detailed. The assessment addresses the visual impacts and impacts on the character of the landscape. A description of the site and surrounding environment has been set out. An Arboricultural Report has been referenced.

A series of photomontages have been submitted- 51 viewpoints on the site and in the surrounding environment (see section 13.6.2.2 of submitted EIAR for locations).

The locations may be summarised as follows:

View	Location	Impact
1-3	Views of the parkland in front of Seminary & of the formal quadrangle to W of Seminary	Very significant, negative in the short-term, and neutral/positive in the long-term.
4	View of Red House	Very significant, negative in the short-term, and neutral/positive in the long-term
5	View of the Archbishop's House	Significant, negative in the short-term, and neutral in the long-term.
6A (E) & 6B (W)	South from the River Tolka corridor	Significant, negative in the short-term, and neutral / positive in the long-term.
7-14	West to east along Clonliffe Road and from Susanville Road	Moderate to significant, negative in the short-term, and positive in the long-term

15-17	Increasing distance south along Jones' Road	Significant, positive in the short and long-term
18-22	Areas south of Jones's Road	Not significant, neutral in the short and long-term
23-33	S to N along Drumcondra Road Lwr, Drumcondra Village & Drumcondra Road Upper	Moderate, negative in the short-term, & positive in the long-term
34-42	W of Drumcondra Road Lwr, including Griffith Park & the Botanic Gardens	Not significant, neutral in the short & long-term
43-51	N of Richmond Road and E of site, incl. Grace Park Road, Grace Park & Marino Park	Moderate, neutral in the short and long-term

I refer the Bord to the planning assessment above, in particular the section entitled 'Visual Amenity' where this matter has been comprehensively assessed and to avoid repetition, I will not reiterate points made above. This section should be read in conjunction with the above assessment, in terms of addressing third party concerns.

It is noted that permission was recently granted for a new hotel up to 7 storey in height on the Holy Cross College Masterplan lands immediately east of the existing entrance on Clonliffe Road (ABP Ref.: ABP-308179-20). It is stated that the emerging change in the existing landscape/townscape setting of the college lands has already been initiated in this grant of permission.

Townscape

During construction, the site would be heavily disturbed by identified activities and the incremental growth of the buildings, with direct and indirect visual effects on the surroundings. The magnitude of change to the landscape of the site and the townscape in its immediate vicinity would be high, with the effects reducing with increased distance. Therefore, in the absence of mitigation the effects of the construction phase on the townscape would be very significant and negative on the site in the short-term, and moderate to significant and negative in the immediate vicinity of the site.

The completed proposed project will give rise to impacts through the establishment of a new residential development. In the absence of mitigation, potential for likely significant landscape and visual effects during the operational phase arise from the overall change in character from enclosed historic institutional parkland to a developed contemporary residential neighbourhood; the change in existing views from within Holy Cross lands and from surrounding areas; the change in the setting of Red House and the Archbishops House and the change in character of the site as viewed from Clonliffe Road and from areas further south, east and north.

Mitigation measures have been detailed for both the construction and operational phases. The residual impact of the construction phase on the wider townscape would be moderate, negative and short-term. Cumulative impacts have been addressed.

Visual Amenity

The construction phase will give rise to significant visual effects, particularly within the wider Holy Cross College lands and from immediately adjoining areas to the south, east and north.

The construction phase will result in substantial alteration to the existing landscape, giving rise to significant landscape and visual impact for the setting of existing structures, including the Red House, other retained buildings, and those immediately bounding the site. Given the enclosed nature of the site, the visual impact from the wider surrounding areas, including Drumcondra Road Lower, will be of lesser significance.

The construction phase impacts on visual amenity is stated as being very significant, negative and short-term. The impacts of the proposed project at the operational phase is stated as being significant positive landscape and visual impact in the delivery of a new appropriately located, high-quality residential neighbourhood.

The effects on visual amenity would be neutral or positive and the proposed project can be appropriately integrated in the townscape without significant negative effects,

especially after a short-term period to allow for establishment of the high-quality development and new residential community in its setting.

Assessment

I have considered all of the written submissions made in relation to landscape and visual. I have considered the concerns raised by third parties in relation to the opinions that the proposal is incongruent/out of character with existing development in the area and to avoid repetition, I refer the Bord to those sections above. The concerns expressed by the planning authority, as raised throughout the assessment, relate to planning matters as opposed to environmental matters. I would concur with the planning authority when they state that despite the large scale of the buildings on the subject site, that the vast majority of the buildings are not unduly prominent and in alignment with the surrounding context. It is clear that the scale of development will be visible in both near and distance views. It is noted that the proposed development is not within the boundaries or sightlines of any Key Views and Prospects, as identified in the operative City Development Plan. I would be of the opinion that the inclusion of a taller feature/landmark building, such as Block D1, is acceptable visually, especially given that the overall scheme represents a high quality residential development. In terms of near views, the visual impact of the overall scheme is somewhat mitigated by the scale of the subject site and the maturity of the existing boundary screening to the site.

I would concur with the planning authority that the visual impact of the vast majority of the blocks is not considered to be negative and is unlikely to have a detrimental visual impact on the subject site or the surrounding context. I concur with the applicants when they state that the setting of the college lands has already been initiated in the grant of permission for the hotel development. I consider the proposed heights to be appropriate for this inner suburban area. The density and layout are generally considered acceptable. Presently, the lands are inward looking and the proposed development will aid in drawing people into the site.

I am of the opinion that once completed and occupied, the proposal will represent a comprehensive transformation of these lands to a high density, urban development, part of a new urban quarter of the city. Landscape and visual impacts are likely to be

perceived initially as negative by virtue of the landscape change and the scale of the development proposed, however these impacts will become more acceptable over time as the buildings are occupied and the development offers new facilities to the wider area, for example public open space provision.

I am generally satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on landscape and visual are likely to arise.

13.4.8 Cultural Heritage- Architectural Heritage

Section 14 of the submitted EIAR deals with cultural heritage- architectural heritage and assesses the likely effects of the proposed project on architectural heritage of the site and within its wider context. An evaluation of the chronology of the site is also included. A number of appendices have been referenced to be read in conjunction with this section including historic maps, drawings and photographs, together with photographic records and an outline conservation specification. Methodology utilised has been detailed. The submitted Visual Impact Assessment is also referenced, as are the verified photomontages prepared in respect of the proposed project. I have undertaken a detailed assessment in relation to this matter under the planning assessment above and I refer the Bord to same. In order to avoid repetition and in the interests of brevity, I will not reiterate and refer the Bord to same.

There are a number of 19th and 20th century institutional buildings on site and many are included on the Record of Protected Structures. There are also a number of Protected Structures in the vicinity of the site, together with Architectural Conservation Areas.

The masterplan for the site was designed with careful consideration of its architectural heritage and takes into account the significant views and vistas within the site.

At present, the structures on site are largely disused, particularly at upper levels. It is stated that the demolition of some of the existing structures may result in the loss of historic features of interest. The construction of new blocks and of a new extension to the rear of the main Seminary will have an impact on the setting of the Protected Structures and on views within the site. The proposed project will also have a visual impact on the setting of the Protected Structures on site and on the architectural heritage character of the surrounding area.

The cumulative visual impact of the proposed project, together with existing and proposed development of adjoining sites on the architectural heritage character of the wider context has been assessed. Mitigation by design has been utilised, in order to minimise potential visual impacts on the Protected Structures on site, the character of their setting and the built heritage of the surrounding area.

A full photographic survey of the structures to be demolished has been carried out for record purposes. In addition, architectural features of interest and surviving historic fabric will be removed and salvaged prior to the demolition works. The re-use of this fabric within the proposed project will be considered, and any items not feasible for re-use within the site will be salvaged off-site. During the construction phase, the developer will ensure that a qualified conservation architect oversees the proposed works.

The residual impacts of the proposed project are largely neutral or positive with regard to their impact on the historic architectural character of the site while the visual impact of the proposed project on the wider architectural heritage of the surrounding area is not considered to be significant or negative.

Assessment

Many of the third party submissions received have raised concerns with regards the impacts of the proposal in the architectural heritage of the area and the impacts on the character and setting of the Protected Structures. The planning authority, in the EIA section of their report, refer to the report of the Conservation Officer which raises concerns with the proposed basement beneath the eastern end of the Formal Green and considers that this basement should be omitted from the proposal. The

planning authority continue by highlighting that the Conservation Division also has concerns that the height, scale and massing proposed will seriously injure the architectural setting of the Protected Structures, in particular the Seminary and the Red House. I note that the planning authority do not recommend a refusal of permission in relation to this matter. The detailed report of the Department of Housing, Local Government and Heritage is also noted, in particular their concerns in relation to the impacts of the proposal on the Red House (in particular Blocks D1 and B3), including the proximity of the access route to this structure and the obscuring of the historical approach into the site by Block D1.

In terms of impacts on the Protected Structures on site, I am of the opinion that a sensitive approach has been taken to their renovation and re-use. The extension to the Seminary is contemporary in style and bold in nature and I consider that it would be an appropriate form of development at this location- a positive addition to the site. In terms of new design in an historic setting, a number of national and international examples have been cited. New additions in immediate proximity to protected structures are referenced and one example cited is the Long Room Hub at TCD. These examples are noted. With regards to the current proposal, a clear distinction is being made between the existing buildings on site and the proposed new additions. This is welcomed and considered to be conservation best practice. It is my opinion that the Seminary and Chapel buildings are maintaining their prominence within the proposed scheme- a focal point of the proposed development.

In terms of impacts on the Formal Green, I would not concur with the opinion of the planning authority in this regard and consider that using appropriate construction standards and under the supervision of the Conservation architect, I have no information before me to believe that the proposed basement would negatively impact on the Formal Green.

There will be some loss of the historic fabric of the site by virtue of the proposed demolitions. This is somewhat inevitable in such a large scale development. There will be a change in the setting of the Protected Structures. There will also be a change to the character of the site as it moves from its current state to that accommodating a development of the scale proposed. I consider that the site can

accommodate a development of the scale proposed without detriment to the Protected Structures. Their renovation and re-use will enhance the proposed development while their presence on site will enhance the overall development. The history of the site is, in my opinion, being appropriately dealt with whilst allowing for the future re-use of the lands. Lands which have been identified in the City Development Plan as being appropriate for residential development.

In terms of impacts on Red House (which is outside of the red line boundary), I note the concerns expressed by both the planning authority and the Department in this regard. As I have stated above in the planning assessment, if the Bord is disposed towards a grant of permission, they may wish to reduce the overall footprint of the Block B3, increasing its separation distance from the Red House. In turn, the access route could be relocated further west away from the Red House and the area in front of this structure could be re-examined. This could be adequately dealt with by means of condition. In any event, these are planning concerns, not environmental concerns. I note the concerns expressed in terms of the impact of traffic on Red House as it passes. In response to this, I consider this to be a largely car-free environment, with 0.3 spaces/unit proposed. In addition, traffic parking in the A blocks will not pass this location and will instead avail of the Drumcondra Road access while traffic utilising the Block D2 basement car park will also not pass the Red House. Traffic management measures are such that there will be no 'rat-running' through the site. I would anticipate traffic associated with parking on the GAA lands would be occasional and in any event, that does not form part of this current application. I am not unduly concerned in relation to impacts of traffic on Red House.

Predicted effects on the architectural heritage character of the wider area are set out in Table 14-25 of the submitted EIAR. Residual impacts are set out in section 14.6 of the submitted EIAR. The cumulative visual impact of the proposed project and the development of the adjoining site as permitted (ABP Ref. PL29N.308193), on the architectural heritage character of the wider context has been assessed.

I concur with the opinion of the Department that there will be an abrupt change in scale between the Red House and Block D1 but I don't have issue with this. I

consider it gives visual interest to the scheme, old beside new, clearly identifying the past from the future without negatively impact on the character of the Red House. I note that small-scale historic buildings sit side by side with taller, high rise buildings in many cities throughout the world, adding to the character of streetscape, reflecting the layers of history and the evolving nature of the city. While I acknowledge the concerns expressed by all parties in relation to impacts on architectural heritage, I note that a balance needs to be achieved between protecting the architectural heritage of the site and its appropriate re-use into the future. Government policy seeks to develop such central sites to an appropriate scale and density in order to provide for a compact city, avoiding sprawl to the suburbs. In order to achieve there will be some impacts on the architectural heritage of the site; but not so great as to warrant a refusal of permission or a major re-design of the proposed scheme. I am of the opinion that the applicants have put forward a quality scheme in terms of their approach to dealing with the architectural heritage of the site and I am satisfied in this regard.

I have considered all of the written submissions made in relation to cultural heritage- architectural heritage. I am satisfied that there is sufficient information on file to assess this matter and that mitigation by condition would be appropriate if any material is found during construction works. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on cultural heritage- architectural heritage are likely to arise.

13.4.9 Cultural Heritage- Archaeology

Section 15 of the submitted EIAR deals with cultural heritage- archaeology and assesses the impact, if any, on the archaeological and cultural heritage resource of the proposed project. The methodology used was detailed.

There are six recorded monuments within 500m of the proposed project site. In addition, a site listed in the Sites and Monuments Record: an 18th/19th century house (DU018-019001) is located to the immediate east of the site. One potential

prehistoric ring ditch was identified during testing at Drumcondra Castle, 500m to the north. Medieval sites within the vicinity have been identified.

Archaeological testing was carried out, which included for test trenches, in order to fully investigate the archaeological potential of the site. Testing did not reveal areas of archaeological significance. Much of the lands appeared to have been reworked for the purposes of laying out a flat lawn and playing fields associated with Holy Cross College.

Notwithstanding the above, it remains possible that small or isolated features survive beneath the current ground level and outside of the footprint of the excavated test trenches. Ground disturbances associated with the construction of the proposed project have the potential to directly and negatively impact on same. Mitigation and monitoring measures are identified.

In the absence of mitigation, there are potential negative impacts on unrecorded subsurface remains that range from moderate to significant. With the exception of these possible impacts, there will be no negative impacts on any specific site of archaeological or cultural heritage significance as a result of the proposed project. Following the implementation of the above-stated mitigation measures, there will be no residual impacts upon the archaeological or cultural heritage resource.

Assessment

The planning authority acknowledge that a comprehensive baseline assessment was undertaken and notes the results of both archaeological and geophysical testing of the subject site, during which no features of an archaeological nature were recorded. They state that both the presence of recorded monuments in the vicinity and the proximity of the River Tolka increase the possibility of archaeological activity within the subject site. As such, the Planning Authority concurs with the suggested mitigation of archaeological monitoring as offered in the EIAR.

I have considered all of the written submissions made in relation to cultural heritage-archaeology. I am satisfied that there is sufficient information on file to assess this matter and that mitigation by condition would be appropriate if any material is found during construction works. I am satisfied that they have been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on cultural heritage- archaeology are likely to arise.

13.4.10 Microclimate-Daylight/Sunlight

Section 16 of the submitted EIAR deals with the topic of microclimate-daylight/sunlight. A Daylight and Sunlight Analysis, together with associated Appendix was submitted with the application. The Bord is referred to my planning assessment above for further detailed assessment on this topic. This section should be read in conjunction with the above assessment, in terms of addressing third party concerns.

The analysis assesses the impact of the development internally and externally and this is addressed in the Planning Assessment above. The impact on future and existing residential amenities with respect to overshadowing and daylight is also assessed in the Daylight and Sunlight Analysis. Methodology used has been detailed. It is stated that the primary purpose of a daylight, sunlight and overshadowing assessment is to determine the likely loss of light to adjacent buildings.

The proposed project has a negligible impact on almost all of the surrounding identified dwellings. There is a single adjacent property (Caretaker's bungalow) that experiences a minor adverse impact. The proposed project will cause a negligible impact on sunlight availability in all of these existing spaces.

The impact to daylight and sunlight availability during the construction phase of the proposed project will be, for the most part, equal to or better than that described during the operational phase. The operational phase of the proposed project is expected to have an overall negligible impact on daylight and sunlight provision to

the surrounding residential buildings. Further mitigation measures are, therefore, not suggested.

In terms of cumulative impacts, all adjacent permitted developments have been included within the assessment of the impact of the proposed project on the surrounding environment. As such, the cumulative impacts can be described as being the same as the impact of the proposed project,

Assessment

I have considered all of the written submissions made in relation to microclimate-daylight/sunlight. The planning authority have not raised concern in relation to this chapter of the submitted EIAR, however their concerns in relation to daylight/sunlight to future residents has been detailed in the Planning Assessment above. I am satisfied that there will not be significant impact on nearby properties and am generally satisfied that the design results in sufficient daylight and sunlight for future residents. My concerns relating to daylight to some studio units are noted and detailed above. These are planning concerns, as opposed to environmental concerns.

I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect microclimate-daylight/sunlight impacts.

13.4.11 Microclimate-Wind

Section 17 of the submitted EIAR deals with microclimate-wind. A Pedestrian Comfort CFD Analysis was also submitted with the application documentation, which provided an analysis of potential wind conditions that might affect the pedestrians within the proposed project site during the operational phase. Given the location of the site, the most common winds are stated to be from the southwest and west.

It is anticipated that there will be areas within the proposed project, which are most likely to exceed the sitting comfort criteria of Lawson's Pedestrian Comfort and Safety criteria. These areas are as follows- (i) public open space between Blocks C2 and D1 (ii) public open space between Blocks B3 and D1 (iii) public open space between Blocks A1 and A2 / A3 (iv) public open space north of block A3 (v) some balconies on D1 (vi) some roof top amenity spaces for blocks A2, A3 and A4.

The analysis shows that in general, it is anticipated that these exceedances would not lead to an environment which is unpleasant to use and they would be typical of, and consistent with, buildings of a similar scale and design in the Dublin metropolitan area. In all cases, good compliance with the standing criterion is noted. Any exceedance noted can be considered very marginal and subjective to individual preferences. In general, the wind microclimate within the proposed project is considered suitable for all intended purposes. Mitigation measures have been incorporated into the scheme in order to improve the wind conditions at the site.

Assessment

I have considered all of the written submissions made in relation to microclimate-wind. The planning authority state that in general, the wind microclimate within the proposed development is considered suitable for all intended purposes. They continue by stating that the design has incorporated features that will reduce the effect of wind, ensuring the use of public and private amenity spaces is comfortable and safe. Overall, the proposed development contains many high-quality public spaces that pedestrians and occupants undertaking a wide variety of activities will find comfortable and attractive.

Having regard to all of the above, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of microclimate-wind.

13.4.12 Traffic and Transportation

Section 18 of the submitted EIAR deals with traffic and transportation. The issue of traffic and transport has also been dealt with in my assessment above and I refer the Bord to same. This section should be read in conjunction with the above assessment, in terms of third party concerns. It is noted that a number of transport related documents have been submitted with the application documentation including Transport Assessment, DMURS Consistency Statement, Mobility Management Plan and Stage 1 Road Safety Audit. The methodology is described including the surveys undertaken of traffic, pedestrians and cyclists. The TRICS database was utilised. Trip generation of the GAA pitches/clubhouse and the 200 bedroom hotel have also been included in the analysis, even though they are not the subject of this application. The applicants state that testing all trips associated with the wider masterplan allows for a more robust assessment of the impact of the proposed project.

The demolition and construction works will be short-term in nature (approximately 36 months). Only minimum essential site staff parking will be provided. Access routes for construction vehicles will be via Clonliffe Road (Phases 1 & 3) and Drumcondra Road Lower (Phase 2). The estimated numbers of HGVs during the construction activity is approximately 49,800 and the number of miscellaneous cars/vans is 37,500 (see Table 18.4 of EIAR). The combined additional light and heavy construction traffic is likely to have a negative but slight impact on the local road network during the construction phase. The impact will be short-term in nature and the represents the worst case scenario.

The impact of the proposed project on the local road network during the operational phase has been assessed by modelling the projected traffic flows with and without the proposed project in place. The proposed project will likely open in phases. Table 18.7 of the submitted EIAR sets out the total weekday daily vehicle trip generation. The contribution of the proposed project to overall traffic is low in both AM and PM peaks, with the highest contribution along Jones's Road, in the evening peak. It is noted that Jones's Road is a minor road with a low level of traffic. All other links show an effect falling into either the imperceptible, not significant or slight categories.

Mitigation measures are proposed, including the application of a parking ratio of 0.3 spaces/unit. The main mitigation measure during the operational phase will be to implement the Mobility Management Plan.

Predicted residual effects are set out in Table 18.13. The residual impact of the construction phase of the proposed project in terms of traffic and transport will be negative, not significant, local and short-term. At operational stage, with the proposed mitigation measures in place, the residual impacts of the proposed project on traffic will be negative, not significant, local and a long-term impact on road users due to additional traffic on the local road network. The delays for traffic on the local network are generally minor with no significant delays modelled as result of the additional traffic flows.

Assessment

It is noted that a large proportion of the third party submissions received raised concerns in relation to traffic and transportation matters including the increased traffic likely to be generated by the proposed development, concerns that inadequate parking is being provided for, capacity of existing public transport in the area and the quality of existing cycle infrastructure. I note the conclusions of the submitted EIAR.

I note that in line with DCC Development Plan and Smarter Travel policies, there are a reduced number of car parking spaces provided at a rate of 0.3 spaces per unit. The site is well served by public transport, including several buses and the proximity of the site to Drumcondra DART station is noted. The layout and the proposed pedestrian gates will further encourage use of alternative modes of travel to the private car.

I note many of the third party submissions received referred to public transport being at capacity, however the facts are that the site is extremely well served with both trains and buses. Secure and safe bicycle parking spaces are provided, and the site is immediately proximate to public transport. The site is within walking distance of the city centre.

I have considered all of the written submissions made in relation to traffic and transportation. The planning authority states that a report has been received from their Transportation Planning Division and conditions are recommended.

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

13.4.13 Material Assets-Waste

Section 19 of the EIAR deals with Material Assets-Waste. An assessment of waste management during both the construction and operational phase of the development was undertaken. Methodology used was detailed. A site-specific Construction and Demolition Waste Management Plan, together with Operational Waste Management Plan are referenced.

During the construction phase, typical construction and demolition (C&D) waste materials will be generated, which will be source segregated on-site and removed by suitably permitted waste contractors to authorised waste facilities. Where possible, materials will be reused on-site to minimise raw material consumption.

Excavation of the basements and construction of new foundations along with the installation of underground services will require the excavation of c. 100,000 m³ of material. It is anticipated that 30,000 m³ of this excavated material will be able to be re-used on-site. The remainder will be exported off-site for re-use, recovery, recycling and/or disposal.

It is stated that adherence to the site-specific Construction and Demolition Waste Management Plan during the construction phase will ensure that the effect on the environment will be short-term, neutral and imperceptible. An Operational Waste Management Plan has been prepared which provides a strategy for segregation at source, storage and collection of wastes generated within the development during the operational phase. Mitigation measures have been outlined and the predicted effect of the operational phase on the environment is stated as being long-term, neutral and imperceptible.

Assessment

I have considered all of the written submissions made in relation to material assets-waste. The planning authority states that they accept the findings within this chapter of the submitted EIAR. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets-waste.

13.4.14 Material Assets-Services

Section 20 of the EIAR deals with Material Assets-Services and assesses the potential impacts of the proposed project on ownership, access and services/utilities infrastructure. Table 20.1 of the submitted EIAR details the preceding chapters where impacts on material assets are assessed. Methodology used is detailed.

The matter of ownership/sale of the lands has been raised in many of the third party submissions received. The applicants state that the current owner of the lands (the Archdiocese) has entered into an agreement with Cumann Lúthchleas Gael/the Gaelic Athletic Association (GAA) to acquire these lands, who have subsequently entered into an agreement to onward sell these to Hines Real Estate Ireland through the applicant. The Archdiocese will retain the Archbishop's Residence and surrounding lands and lands in the south-west corner of the Holy Cross College property. The Red House and curtilage is owned by Páirc an Chrócaigh Teoranta Cuideachta Faoi Theorainn Ráthaíochta/GAA, as well as the land at the south eastern corner of the Holy Cross Holy lands which has been subject to an approval by An Bord Pleanála for a 7 storey hotel. The land parcel to the north of the Holy Cross College lands, former grass playing pitches, are operated by the GAA and are due to be formally acquired by the GAA from the Archdiocese. As stated above, during the construction phase, there will be no severance of land, loss of rights of way or amenities as a result of the proposed project.

Existing services are described, together with proposed works and mitigation measures. During the construction phase, no significant impacts are predicted to occur in relation to services / utilities infrastructure as a result of the proposed

project. Overall, the completion of the proposed project will increase permeability across the site for pedestrians and cyclists, resulting in a positive, moderate, long-term impact in terms of access. In addition, no significant impacts on services or the infrastructure itself are predicted to occur as a result of the operational phase.

No significant residual impacts in relation to services are anticipated to occur as a result of the proposed Project.

Assessment

I have considered all of the written submissions made in relation to material assets-services. The planning authority have not raised concerns with this chapter of the submitted EIAR. Matters raised by third parties in relation to land ownership and the sale of the lands are considered to be legal matters, outside the remit of this planning assessment and this matter has been dealt with above.

I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets-services.

13.4.15 Cumulative and Interactive Effects

Section 21 of the submitted EIAR provides a summary of principal interactive effects, which have been discussed in the preceding chapters. Table 21.1 provides a matrix of potential interaction and the subsequent text details the interactions between topics. I consider this approach to be satisfactory and that adequate consideration has been given to the interactions.

Section 22 of the submitted EIAR examines potential cumulative impacts on the environment of the proposed project with other developments in the locality. Methodology used is detailed.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions, for example the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

13.4.16 Reasoned Conclusion on Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

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

- **Biodiversity:** Impacts mitigated by proposed landscaping strategy which will use mix of appropriate species that will attract feeding invertebrates; will ensure no invasive species introduced; the significant provision of active and

passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and nesting birds.

- **Land, soils, geology and hydrogeology** impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the site; proposals for identification and removal of any possible contamination; management and maintenance of plant and machinery.
- **Hydrology** impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to attenuate surface water flow and avoid uncontrolled discharge of sediment. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- **Landscape and Visual:** The development will present as a new development in the landscape. There will also be changed views for some viewers in nearby residences and nearby locations. A significant alteration in landscape character will occur at the site. The potential impact will be mitigated by the establishment of solid perimeter fencing to restrict views and minimise sense of visual disruption into site during construction works; design and landscape strategy; maintenance regime.
- **Architectural Heritage** impacts mitigated by the salvage and re-use of historical features; use of a qualified conservation architect to oversee works;
- **Archaeological** impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- **Traffic and Transport** impacts to be mitigated by implementation of a Construction Environmental Management Plan as well as a Mobility Management Plan which includes appointment of a Mobility Manager to promote sustainable travel patterns by residents during the operation phase; upgrading of site access junction.
- **Air quality and climate** impacts which will be mitigated by dust minimisation plan;
- **Noise and vibration** impacts which will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from

noise sensitive locations; noise control techniques; quality site hoarding to act as noise barrier

- **Material Assets-Services** impacts which will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum
- **Material Assets-Waste** impacts which will be mitigated by preparation of site specific C&DWMP

The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. In the main, they would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

14.0 Recommendation

- 14.1 Having regard to the above assessment, I recommend that permission be GRANTED, for the development, as proposed, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th day of July 2021 by CWTC Multi Family ICAV on behalf of its sub-fund DBTR DR1 Fund care of Brady Shipman Martin, Dublin 6.

Proposed Development:

Permission for a Build to Rent Strategic Housing Development at this site of 8.9 ha, at Holy Cross College, Clonliffe Road, Dublin 3 and Drumcondra Road Lower, Drumcondra, Dublin 9. The application site contains a number of Protected Structures including The Seminary Building (RPS Ref 1901), Holy Cross Chapel (RPS Ref 1901), South Link Building (RPS Ref 1901), The Assembly Hall (RPS Ref 1901), and The Ambulatory (RPS Ref 1901). The site is bounded by Drumcondra Road Lower, Mater Dei College and the Archbishops House (a Protected Structure) to the West, Clonliffe Road to the South, the Red House (a Protected Structure), the Cornmill Apartments and Belvedere College Rugby Grounds to the East and by the Tolka River to the North.

The development will consist of:

1. Demolition of a number of existing office/former college buildings on site, including the New Wing and Library Wing Buildings, (c. 6,130 sq.m) and the construction of a residential development with a gross floor area of c. 119,459 sq.m (excluding basement parking areas) set out in 12 no. residential blocks, ranging in height from 2 to 18 storeys to accommodate 1,614 no. Build to Rent apartments with associated residential tenant amenity, 1 no. retail unit, 1 no. café, and a crèche. The site will accommodate a total of 508 no. car

parking spaces and 2,507 no. bicycle parking spaces in three separate basement/podium areas and at surface level. Landscaping will include extensive new public open spaces and communal courtyards, podiums and roof terraces.

2. The 12 no. residential buildings range in height from 2 storeys to 18 storeys, accommodating 1,614 no. Build To Rent apartments comprising 540 studios, 603 no. 1 bed units, 418 no. 2 bed units and 53 no. 3 bed units. The breakdown of residential accommodation is as follows:

- Block A1 is a 4 to 8 storey building, including setbacks, balconies and terraces, accommodating 305 no. units;
- Block A2 is a 7 storey building, including setbacks and balconies, accommodating 73 no. units;
- Block A3 is an 8 storey building, including setbacks and balconies, accommodating 87 no. units;
- Block A4 is a 6 to 13 storey building, including setbacks, balconies and terraces, accommodating 104 no. units;
- Block B1 is a 5 to 6 storey building, including setbacks and balconies, accommodating 92 no. units;
- Block B2 is a 6 to 8 storey building, including setbacks and balconies, accommodating 137 no. units;
- Block B3 is a 5 to 6 storey building, including setbacks and balconies, accommodating 80 no. units;
- Block C1 is a 6 to 8 storey building, including setbacks and balconies, accommodating 146 no. units;
- Block C2 is a 5 to 7 storey building, including setbacks and balconies, accommodating 96 no. units;
- Block D1 is an 18 storey building, including setbacks, balconies and terraces, accommodating 151 no. units;
- Block D2 is an 4 to 8 storey building, including setbacks and balconies, accommodating 239 no. units;
- The Seminary Building and South Link Building (E1&E2) are existing Protected Structures of 2 to 4 storeys with a proposed 5 storey extension to the rear of the Seminary Building and conversion of both buildings to

accommodate 104 no. residential units including balconies; and

- Residential Tenant Amenity Space is provided throughout the existing and proposed blocks totalling c.3,463 sq.m and Communal External Amenity Space is provided adjacent each Block and at roof level on Blocks A1, A4, and D2, totalling c.13,729 sq.m.

3. The site contains a number of Protected Structures including The Seminary Building, Holy Cross Chapel, South Link Building, The Assembly Hall and The Ambulatory. The application proposes the renovation and extension of the Seminary Building to accommodate residential units and the renovation of the existing Holy Cross Chapel and Assembly Hall buildings for use as residential tenant amenity. The wider Holy Cross College lands also includes Protected Structures including The Red House and the Archbishop's House (these are not included in the application boundary and no works are proposed to these Protected Structures with the exception of the proposed works to the Drumcondra Rd boundary wall which is listed under the Protected Structure of the Archbishop's House as noted below). The works to the Protected Structures within the application site are set out as follows:

- The Seminary Building (RPS Ref 1901): The works consist of the careful refurbishment and alteration of the existing four storey Seminary Building to provide residential accommodation, with the addition of a new five storey residential block to the rere (West elevation); floor levels carry through on the four lower levels. It is proposed that the existing structure, the Library Wing, on the northern elevation of the Seminary and the connecting corridors to the Seminary will be demolished; new infill concrete walls are located to fill the gap where elements are removed. Materials that can be salvaged from these blocks will be surveyed, their location noted, and re-used in the conservation and restoration works in The Seminary Building. The projecting WC blocks to the rere (west) elevation of The Seminary Building are also proposed to be demolished. The external envelope of The Seminary Building, with existing chimneys, stone and render finishes, windows and doors is maintained and re-used; the stone cross from the pediment is removed and built into a wall in the new residential block which forms an extension to the existing Seminary Building. Selected window opes on the lateral North and South elevations are

lowered from door opes to provide for balcony access. The scheme proposes 56 no. apartments installed within the existing shell on the East side of a corridor running along the rere of the plan; the 48 no. apartments in the new block are linked to this corridor through a number of the window opes of the rere elevation which are lowered to ground level. Lightwells, lifts and staircases are also accessed in this way.

- The South Link Building (RPS Ref 1901): The South Link Building consists of a two- storey stone and render block with slate roof and bellcote between Holy Cross Chapel and the Seminary Building; this building will be conserved and restored. Alterations to the South Link Building include the insertion of a new doorway within the existing front (Eastern) façade to link the front of the building to the cloister garden, and the insertion of two no apartments in the ground and first floor space. The existing organ at first floor level will be moved to a new location within the Holy Cross Chapel.
- Holy Cross Chapel (RPS Ref 1901): Holy Cross Chapel is retained and restored as a tenant amenity space. External alterations include a new metal door and ramp to the South elevation; interior alterations are limited to services and decoration; a section of the existing tiled floor will be lifted to allow for service connections to furniture installations. The following items will be moved from the Chapel as a part of the works: Main altar, 2 no. side altars, 2. no paintings to either side of chancel arch, Stations of the Cross, 2 no. marble statues to narthex, Loose pews, Confessional, Fixed furniture to sacristy. Method statements for these works are included in the application documents.
- The Assembly Hall (RPS Ref 1901): The Assembly Hall comprises a two- storey hall with its front façade, steps and projecting porch orientated towards Clonliffe Road. The building is conserved and restored as a tenant amenity space as a part of the proposal; the existing balcony level within the main space is removed. The existing stage area is also removed to provide a gym area; bicycle storage is provided within the envelope to the North-West. Existing doors and windows are retained and repaired. A new window is provided into the cloister, with smaller secondary opes cut between spaces.
- The Ambulatory (RPS Ref 1901): All of the above referenced buildings are

linked by a cloister colonnade (i.e. the Ambulatory) around two sides of a central garden; there is a part section of the colonnade on the North side and an indented (enclosed) section directly outside Holy Cross Chapel; the fourth (east) side is completed by the rear elevation of The Seminary Building. The Ambulatory will be retained as part of the proposed development. The cloister garden will be restored and conserved as a part of the project for circulation and amenity use. Mosaic panels to the cloister will be retained and covered to supply a base for a removable light fitting. The courtyard garden will be re-designed and re-planted as a part of the scheme.

- Drumcondra Rd Boundary Wall Entrance (Listed under Archbishop's House RPS 2361): The existing entrance gates and the adjoining walls are part of the Archbishop's House Protected Structure. It is proposed to take down the existing stone gate pier to the south, and reconstruct this pier in a new location further to the south, widening the gate opening in this location. This will involve the taking down of a small portion of the stone boundary wall.
4. Extensive areas of public open space of c.20,410 sq.m or 25% of the site is provided for, including woodland walk, formal lawn seminary garden, dog park and, playground. The proposed landscaping scheme provides for the removal of some existing trees on the site as well as extensive new planting.
 5. Non-residential uses include a crèche of c. 627 sq.m and 1 no. retail unit of c. 329 sq.m in Block A4, and 1 no. café unit of c.273 sq.m in Block D1. Total gross floor area of proposed other uses is 1,229 sq.m.
 6. The development will include a single level basement under Blocks B2, B3 & C1, containing 158 car spaces, 582 cycle parking spaces, plant, storage areas, waste storage areas and other associated facilities, a single level basement under Block D2 containing 86 car spaces, 528 cycle parking spaces, plant, storage areas, waste storage areas and other associated facilities and a part podium level basement, part single level basement under Block A1, containing 233 car spaces, 500 cycle parking spaces, plant, storage areas, waste storage areas and other associated facilities. The remainder of residents bicycle stores, totalling 645 spaces, are located proximate to residential buildings. In addition 31 no. parking spaces are located at surface level to include visitor, accessible, EV, car club and loading spaces as well as 252 no. short stay bicycle parking spaces.

7. The site is accessed by vehicles, cyclists and pedestrians from a widened existing entrance on Clonliffe Road, at the junction with Jones's Road, and through the opening up of an existing access point on Drumcondra Road Lower at the junction with Hollybank Road to act as a left in/left out access. No through route for vehicular access through the site for the public is proposed. An additional cyclist and pedestrian access is proposed through an existing access point on Holy Cross Avenue. Access from the Clonliffe Road entrance will also facilitate vehicular access to future proposed GAA pitches and clubhouse to the north of the site and to a permitted hotel on Clonliffe Road (DCC Reg. Ref.: 2935/20, ABP Reg. Ref.: PL29N.30819).
8. The proposed application includes all site landscaping works, green roofs, boundary treatments, lighting, servicing, signage, ESB Substations, PV panels at roof level on all residential blocks except E1/E2 and D2, and associated and ancillary works, including site development works above and below ground.

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

An Environmental Impact Assessment Report has been prepared in respect of the proposed development.

GRANT permission for the 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 Bord had regard to the following:

- (a) the site's location close to Dublin city centre, within an established built-up area on lands with zoning objective Z12, which seeks 'to ensure environmental amenities are protected in the predominantly residential future use of these lands' in the Dublin City Development Plan 2016-2022,
- (b) the policies set out in the Dublin City Development Plan 2016-2022,
- (c) the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (d) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the provisions of Housing for All- a New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021
- (f) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2019, as amended
- (g) the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) the provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning

Authorities issued by the Department of Housing, Planning and Local Government in December 2020

- (i) the provisions of the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018
- (k) Chief Executive Opinion and associated appendices of Dublin City Council
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a wide range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history within the area, and
- (p) the report of the Inspector and the submissions and observations received,

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into

account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects 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 Bord completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Bord considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Bord agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Bord considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Biodiversity:** Impacts mitigated by proposed landscaping strategy which will use mix of appropriate species that will attract feeding invertebrates; will ensure no invasive species introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and nesting birds.
- **Land, soils, geology and hydrogeology** impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the site; proposals for identification and removal of any possible contamination; management and maintenance of plant and machinery.
- **Hydrology** impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to attenuate surface water flow and avoid uncontrolled discharge of sediment. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- **Landscape and Visual:** The development will present as a new development in the landscape. There will also be changed views for some viewers in nearby residences and nearby locations. A significant alteration in landscape character will occur at the site. The potential impact will be mitigated by the establishment of solid perimeter fencing to restrict views and minimise sense of visual disruption into site during construction works; design and landscape strategy; maintenance regime.
- **Architectural Heritage** impacts mitigated by the salvage and re-use of historical features; use of a qualified conservation architect to oversee works;
- **Archaeological** impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- **Traffic and Transport** impacts to be mitigated by implementation of a Construction Environmental Management Plan as well as a Mobility Management Plan which includes appointment of a Mobility Manager to

promote sustainable travel patterns by residents during the operation phase; upgrading of site access junction.

- **Air quality and climate** impacts which will be mitigated by dust minimisation plan;
- **Noise and vibration** impacts which will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations; noise control techniques; quality site hoarding to act as noise barrier
- **Material Assets-Services** impacts which will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum
- **Material Assets-Waste** impacts which will be mitigated by preparation of site specific C&DWMP

The Bord completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Bord adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Bord considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this inner suburban location, would respect the existing character of the area and the architectural heritage of the site, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic

safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Bord considered that a grant of permission that would materially contravene section 16.10.1 of the Dublin City Development Plan 2016-2022 in relation to unit mix and floor area, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) Specific Planning Policy Requirement (SPPR) 3 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued in December 2020 which sets minimum apartment floor area of 37 square metres for studio units and
- (b) Specific Planning Policy Requirement (SPPR) 8 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued in December 2020 which states no restriction on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise and that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes; with which the proposed development would comply.

The Bord considered that a grant of permission that could materially contravene section 16.7.2 of the Dublin City Development Plan 2016-2022 in terms of height would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in the Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

(b) It is considered that permission for the proposed development should be granted having regard to Government Policies as set out in the Project Ireland 2040 National Planning Framework in particular objectives 13 and 35 and the Urban Development and Building Height Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 in particular Specific Planning Policy Requirement (SPPR) 1 and Specific Planning Policy Requirement (SPPR) 3.

In accordance with section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Bord considered that the criteria in section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended was satisfied for the reasons and considerations set out in the decision.

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 and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>

4.	<p>Proposed Block A1, including associated basement area shall be omitted from the proposal. The subject area shall be incorporated into the public open space provision and landscaped accordingly, unless it is subject to a future planning application for residential development, which includes for associated basement car parking</p> <p>Reason: In order to provide an acceptable level of residential amenity to future occupiers</p>
5.	<p>Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:</p> <ul style="list-style-type: none"> a) the footprint of Block B3 shall be reduced by approximately 18 metres on its eastern side, thereby increasing its buffer zone with Red House. This will result in the loss of 22 residential units. The proposed access road in front of Red House shall be rerouted accordingly so as to also increase the buffer zone with Red House. Additional, revised landscaping proposals for the buffer zone in front of Red House (within the red line boundary) shall be submitted. Amended plans, section and elevations, at scale of not less 1:200, shall be submitted and agreed with planning authority, prior to the commencement of construction of Block B3 b) Further details of proposed residential tenant amenity facilities to include the provision of increased work stations, working from home hubs and laundry facilities c) Existing trees within the buffer zone between Block D2 and Red House shall be retained and maintained, where possible d) Additional planting along the boundary with the Archbishop's House e) Additional privacy details for ground floor terraces f) the internal bin store at ground floor level to Blocks A2 and A3 shall be repositioned so as provide greater separation distance with adjoining residential units g) Elevational drawings, at an appropriate scale, of proposed ESB sub-stations

	<p>h) Method Statement detailing construction of proposed basement underneath Formal Garden</p> <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the occupants.</p>
6.	<p>The total number of residential units permitted in this development is 1287 no. units</p> <p>Reason: In the interests of clarity</p>
7.	<p>The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.</p>
8.	<p>Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
9.	<p>Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority,</p>

	<p>ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.</p> <p>Reason: In the interests of orderly development and clarity.</p>
10.	<p>(a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates, security barrier or security hut at the entrance to the development or within the development in a manner which would prevent pedestrian access between the areas identified above.</p> <p>(b) Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new routes, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.</p> <p>Reason: In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.</p>
11.	<p>All works to the protected structures, shall be carried out under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher).</p> <p>Reason: To secure the authentic preservation of these protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.</p>
12.	<p>Prior to the occupation of the development, a schedule of proposed uses for the proposed ground floor retail and commercial units shall be submitted for</p>

	<p>written agreement of the planning authority. In addition, prior to the occupation of these units, details of openings, signage, shopfronts and layout/window treatment of the subject unit shall be agreed in writing with the planning authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
13.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
14.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:</p> <ul style="list-style-type: none"> a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense. b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii; c) Pedestrian crossing facilities shall be provided at all junctions; d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and

	<p>e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity</p>
15.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
16.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p>
17.	

	<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.</p> <p>Reason: In the interest of public health and surface water management.</p>
18.	<p>The applicant or developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
19.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
20.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Render shall not be used as an external finish.</p> <p>Reason: In the interest of visual amenity and durability.</p>
21.	<p>Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p>

	Reason: In the interests of sustainable development and proper planning
22.	<p>Proposals for a development name, creche/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility</p>
23.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
24.	<p>All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p>Reason: In the interest of residential amenity.</p>
25.	<p>(a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.</p> <p>(b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to</p>

	<p>the commencement of development.</p> <p>Reason: In the interests of clarity.</p>
26.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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>Reason: In order to safeguard the amenities of property in the vicinity.</p>
27.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
28.	<p>The site shall be landscaped in accordance with a landscape scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved</p>

	<p>landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.</p> <p>Reason: In the interest of residential and visual amenity.</p>
29.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>

30.	<p>The construction of the development shall be managed in accordance with a Final 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 inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
31.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
32.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer’s expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
33.	

	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
34.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
35.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be 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</p>

	<p>with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
36.	<p>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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Lorraine Dockery

Senior Planning Inspector

October 19th, 2021