



An  
Bord  
Pleanála

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

## Inspector's Report ABP-310910-21

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### Strategic Housing Development

Demolition of the existing building on site. Construction of 350 no. apartments and associated site works.

### Location

At the junction of Santy Avenue and Swords Road, Santry, Dublin 9.  
([www.santryavenueshd.ie](http://www.santryavenueshd.ie))

### Planning Authority

Dublin City Council

### Applicant

Dwyer Nolan Developments Ltd.

### Prescribed Bodies

Irish Water  
Transport Infrastructure Ireland  
Irish Aviation Authority

### Observers

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Louise Lowry  
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Róisín Shortall TD  
Santry Community Association CLG.

**Date of Site Inspection**

08/10/2021

**Inspector**

Conor McGrath

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## 1.0 Introduction

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

## 2.0 Site Location and Description

The application site comprises a stated area of 1.5ha located at the junction of Santry Avenue and Swords Road, in Dublin 9. The site is generally level and is primarily occupied by Chadwick's builders' providers. Within the red line boundary, but outside of the Chadwick's site, is an existing access road running along the western site boundary from Santry Avenue to an industrial premises to the south.

Existing structures on the site comprise light industrial / warehouse type structures including a single / two-storey early 20<sup>th</sup> C. modernist element on its eastern side. The remainder of the site is in use for external storage of products and vehicular access and parking. The site has vehicular access from Santry Avenue on its northern boundary. Lands to the west of the site are in mixed commercial light industrial uses.

Santry Avenue forms the boundary between the administrative areas of Dublin City Council and Fingal County Council. To the north of this road, Santry Demesne comprises a regional park which is accessible at the junction with the Swords Road. Directly north of the site, surrounded by the park, is a single-storey property which formerly comprised a post office premises and school, and which now appears to be in residential use. Development on the eastern side of Swords Road comprises a mixture of two-storey commercial properties, with residential development to the east. The site of the former Swiss Cottage pub to the southeast of the site has recently been redeveloped as a 6-storey apartment development. Immediately south of the application site, Santry Place, comprises a recently completed development of 207 no. apartments and associated uses in three no. 7-storey blocks, accessed via a road which is included within the red line boundary of the subject site. That development is understood to be in the same ownership as the subject site.

### 3.0 Proposed Strategic Housing Development

The application describes the proposed development as comprising the following:

- Demolition of the existing structures on the site.
- Construction of 350 no. apartments, retail / commercial and community uses in 4 no. buildings, subdivided into Blocks A-G as follows:

Block	Height		No. of apts	1 bed	2 bed	3 bed
A	7 to 14-storeys	48.3m	59	26 (44%)	33 (56%)	-
B	7-storeys	22.9m	38	6 (16%)	20 (53%)	12 (31%)
C	7-storeys	26.5m	55	13 (24%)	42 (76%)	-
D	7 to 10-storeys	32.6m	51	25 (49%)	19 (37%)	7 (14%)
E	7 to 10-storeys	32.6m	58	10 (17%)	48 (83%)	-
F	7-storey	25.6m	55	13 (24%)	42 (76%)	-
G	7-storey	22.9m	34	20 (59%)	14 (41%)	-
<b>Total</b>			<b>350</b>	<b>113 (32%)</b>	<b>218 (62%)</b>	<b>19 (6%)</b>

#### Other Uses

Block	Use	Area
A	Commercial / Retail Unit B Commercial / Retail Unit C	132.4-sq.m. 173-sq.m.
B	Commercial / Retail Unit D Commercial / Retail Unit E	162.3-sq.m. 130.4-sq.m.
D	Commercial / Retail Unit A	163.3-sq.m.
E	Community use	186.1-sq.m.
<b>Between A &amp; D</b>	Residential Amenity Use	187.9-sq.m.
<b>Total</b>		<b>1354.4-sq.m.</b>

- Basement level accommodating 173 no. car parking spaces & 719 no. bicycle parking spaces. Vehicular access to the basement is from the south, between Blocks B & C.
- 36 no. car parking spaces & 58 no. bicycle spaces are provided at surface level.
- Public open space of 1,915m<sup>2</sup> and communal open space of 3,122m<sup>2</sup>. Private open space is provided as ground level terraces and upper level balconies.
- Vehicular access to the development will be from Santry Avenue to the north-west of the site and from the Swords Road to the south-east, via the access road permitted as part of the adjoining Santry Place development.
- All associated site development works and services.

The main development parameters as described in the planning application are:

Site Area		1.5ha	
<b>Dwelling no.</b>	350	113 / 32% 1-bed 218 / 62% 2-bed 19 / 5.4% 3-bed	
<b>Other Uses</b>	Commercial / retail (5 no.) 761.4-sq.m. Community 186.1-sq.m. Residential Amenity 187.9-sq.m.		
<b>Density</b>	233 / ha		
<b>Site Coverage</b>	33.5%	<b>Plot Ratio</b>	1.76
<b>Car Parking</b>	209 no. spaces (0.6 / apartment)	173 no. basement and 36 surface spaces (incl 5 no. set-down spaces)	
<b>Bicycle Parking</b>	805 no spaces	719 basement, 28 ground level and 58 surface spaces.	
<b>Open space</b>	<b>Public Open Space</b> 1917-sq.m. 12.76%	<b>Communal Open Space</b> 3122-sq.m. (8.92-sq.m. / unit) including 1226.5-sq.m of roof terrace.	

The indicative phasing plan comprises:

- **Phase 1:** Basement level car park, Blocks A & B (97 no. apartments & 4 no. retail / commercial units), and communal open space to the west.
- **Phase 2:** Blocks C & D (106 no. apartments & 1 no. retail / commercial unit), the residential amenity use unit, and the public open space.
- **Phase 3:** Blocks E, F, & G (147 no. apartments & the community use unit) and the remainder of the communal open space west of Blocks E & F.

The information submitted with the planning application is identified in Appendix 1 to this report and includes an EIAR.

## 4.0 Planning History

Santry Place, immediately south of the subject site:



**PA ref. 2713/17** – Permission granted in April 2018 for a mixed-use development including the construction of 137 no. residential dwellings, 3 no. retail / commercial units, commercial office uses and a creche in 5 no. four and five storey blocks (Blocks A - E). The development included new vehicular and pedestrian access from the Swords Road.

**PA ref. 2737/19** – Permission granted in August 2019 for modifications to the development permitted under Ref. 2713/17. This permission increased the height of Blocks A, B and C from 5-storeys to 7-storeys resulting in an increase to 207 no. apartments. Other amendments included a reduction in office space and the introduction of a community centre use of 210.3-sq.m. The development also included a creche of 360-sq.m. This development has recently been completed.

**PA ref. 2543/21** - Permission refused in June 2021 for modifications to the permitted “Santry Place”, comprising the demolition of the remaining existing warehouse and the construction of 3 no. 7-10 storey buildings (Blocks D, E, & F) accommodating 48 no. apartments, commercial and office uses. The 2 no. reasons for refusal were:

1. Having regard to the proposed height, scale and bulk of Block F, its architectural articulation, orientation and proximity to recently-completed residential development in Santry Place and the backland location of the site, it has not been demonstrated that the development would make a positive contribution to the urban neighbourhood or successfully integrate into the area.

The development would provide a poor outlook from proposed residential units in Block D and have an overbearing effect on these units and on those in Santry Place. The proposal constitutes overdevelopment of the site, would provide for a substandard quality of residential amenity for future occupiers and would seriously injure the visual and residential amenities of properties in the vicinity. The proposal would therefore, be contrary to Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and to the proper planning and sustainable development of the area.

2. Having regard to the height, scale and massing of the proposed blocks enclosing the communal amenity courtyard, the architectural articulation of Block E and F, coupled with the limited separation between all blocks and the constrained width of the communal amenity courtyard, the development would not provide quality

communal amenity space by reason of overbearing effect of the blocks, poor outlook from the courtyard and potential for excessive overshadowing. The development would, therefore, be contrary to the Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020) and to the proper planning and sustainable development of the area.

In the vicinity of the site:

**ABP-303358-19:** Permission granted for demolition of the former Swiss Cottage public house to the southeast of the application site and construction of 110 BTR residential units (13 no. 1 bed units and 99 no. 2 bed units), ranging in height from 3 no. storeys (10.2m) to 6 no. storeys (20.9m) over partial basement level, and 3 no. ground level commercial units.

**ABP-306987-20** – Permission granted for 120 apartments and associated site works on the former Swiss Cottage lands with building heights ranging from 3 to 7 storeys, at a density of 250 units per hectare. The application was described as amending and superceding the development permitted under ABP-303358-19 however, it appears that the original permitted 6-storey development was completed without amendment.

**ABP-307011-20** – Permission granted for an SHD comprising demolition of existing structures and construction of 324 no. apartments, creche and associated site works on lands to the northeast of Omni Park Shopping Centre, approx. 200m south of the application site. The development rises from 5 (19m) to 12 storeys (40.2m) at a density of c. 250 units per hectare.

## 5.0 Section 5 Pre-Application Consultation – ABP-308093-20

- 5.1. A Section 5 pre-application consultation meeting was held on 8th February 2021. Arising from this meeting and the documentation submitted with the request, and having regard to the submissions from the planning authority and Irish Water, the Board issued a notice under section 6(7) of the Act stating its opinion that the

documents submitted with the request constituted a reasonable basis for an application for strategic housing development.

Specific information to be submitted with any application for permission identified in the opinion included the following:

1. An Urban Design Analysis to explain the rationale for the height distribution throughout the site. The report should demonstrate how the distribution of height assists with the identification of these lands as a potential 'gateway' to the city, and detail an integrated approach to the entire site, with specific reference to the relationship to Santry Demesne Park to the north and the incorporation of Block G and its amenity space at ground level.
2. Details of works on and in the public realm, specifically upgrades to junctions and footpaths. Drawings should show the requirements for any future public transport improvements along the Swords Road (BusConnects). The applicant shall clarify how the works in the public realm will be carried out and by whom.
3. Cross sections that detail public realm, landscaping and apartment block interfaces at various locations, but specifically where levels change and where space is limited. The applicant is urged to consult DMURS.
4. Daylight/Sunlight analysis to an appropriate scale, showing an acceptable level of residential amenity for future occupiers of the proposed development, potential overshadowing impacts on proposed open space, adjoining residential areas and other sensitive receptors. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties. Drawings should detail dual aspect ratios, accompanied by a detailed design rationale.
5. A detailed landscaping plan which clearly differentiates between areas of public, communal and private open space. Pedestrian permeability through and beyond the site should be outlined. Details of the interface between private and communal areas, additional cross sections, CGIs and visualisations should be included.
6. A site layout plan, which clearly indicates areas to be taken in charge.

7. A report that addresses the building materials and finishes and the requirement to provide high quality and sustainable finishes and details. A building lifecycle report for apartment buildings is also required.
8. A housing quality assessment which demonstrates compliance with the Guidelines on Design Standards for New Apartments.
9. A detailed Construction Traffic Management Plan and a revised Traffic and Transport Assessment.
10. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development.

The prospective applicants were also advised to notify the following authorities:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Operator
7. Fingal County Council

## 5.2. Applicant's Statement

The application is accompanied by a Statement of Response to An Bord Pleanála's Notice of Pre-Application Consultation Opinion, which notes the following:

Item no. 1:

- The Architectural Design Statement provides a detailed analysis of the urban design principles, based upon the guidance set out in both the Building Heights Guidelines and Sustainable Residential Development in Urban Areas Guidelines and its accompanying Urban Design Manual.

- Proposed building heights exceed the maximum heights set out in the CDP and a material contravention statement is submitted.
- The proposed heights are appropriate given the location adjacent to high-quality public transport and the surrounding pattern of permitted development.
- The Landscape Visual Impact Assessment confirms that in the medium to long term, the landscape effects would be moderate and positive.
- With proposed and permitted development, there may be cumulative impacts on medium distance views, however, the proposal will make a significant positive contribution to the new emerging townscape and future context of the area.
- The gateway building (Block A/B) forms a strong urban anchor and landmark at the corner where it bookends Santry Avenue and Swords Road and announces the entrance to the city.
- This complements the existing 52m high Metro Hotel in Ballymun at the western end of Santry Avenue, at the entrance to Ballymun Town Centre.
- The Architectural Design Statement details the evolution of the design process.
- The distribution of heights has been carefully considered and revised based upon pre-planning feedback from the Planning Authority and An Bord Pleanála.
- The entrance road is relocated to the west of Block G to better integrate this building into the development and provide a more meaningful open space.

Item no. 2

- Dublin City Council has consented to the inclusion of footpaths and roadway within the site. All works on and in the public realm, and upgrades to junctions and footpaths, will be subject to agreement with Dublin City Council and are described in the architect and landscape drawings.
- Bus Connects proposals for this are do not encroach upon the site and the existing site boundary treatment is to be retained.

Item no. 3

- Cross-section drawings are provided, including details of site levels.

Item no. 4

- The daylight / sunlight analysis and shadow assessment concludes that the development generally complies with the recommendations and BRE guidelines and BS 8206 Lighting for Buildings, Part 2.
- While some lower-level balconies and living rooms may not meet the BRE recommendations for sun light, a high level of residential amenity will be delivered, having regard to:
  - The provision of well sunlit public, communal and private amenity spaces. Over-provision of communal amenity space acts as a compensatory measure for values below the BRE recommendations.
  - Balcony provision will reduce sunlight exposure but contribute to private residential amenity. A high proportion of balconies are larger than required.
  - 98% of apartments exceed the required daylighting levels and all private spaces and living rooms receive sunlight. There are no north-facing single-aspect apartments.
  - Ground floor ceiling height are 3m and ground floor windows will be 2.7m high to improve sun lighting.
- With regard to Santry Place to the south, the proposed development mirrors that Phase 1 design. Any impact will therefore comply with the approach set out in the BRE Guidelines as described in Appendix 1 of the submitted report.

Item no. 5

- The Landscape Masterplan and Design Rationale address the issues raised. The site layout plan identifies the quantum of public and communal open space. Separate and adequate areas of private open space are provided, clearly differentiated from communal and public areas of open space.
- Public open space equates to c. 13% of the site and will connect to the adjoining Santry Place development. Communal open space provision equates to c. 3,122-sq.m. An existing pedestrian crossing at the junction of Swords Road and Santry Avenue leads into Santry Demesne to the north. New active frontage and boundary treatment will be provided to Swords Road.

Item no. 6:

- Drawings identify areas to be taken in charge. The remainder of the development will be in the charge of a management company, with details set out in the enclosed Property Management Strategy.

Item no. 7

- A Building Life Cycle report is submitted, and the Property Management Strategy Report describes the long-term management and maintenance of the development. The Architectural Design Statement describes proposed materials and finishes which will be of a sustainable high quality for the long term.

Item no. 8

- A Quality Housing Assessment (QHA) has been submitted.

Item no. 9:

- A construction traffic management plan is provided, with associated drawings. The Traffic and Transport Assessment (TTA) sets out a detailed response to the cumulative impact of both committed and proposed development on the two proposed access points.

Item no. 10

- A Material Contravention Statement is submitted in respect of exceedance of the building height provisions of the development plan.

The statement confirms that the required authorities were notified of the making of the application.

In addition, the statement of response addresses the comments of Dublin City Council made at pre-application consultation stage, as follows:

- Block G has been repositioned.
- Separation between blocks ranges from 18-26m.
- The tallest block has been relocated to the north-eastern corner.
- Proposed materials and finishes are detailed appropriately, and additional CGI images are provided.
- The application is being circulated to the DAA and IAA

- The HQA demonstrates that apartments either meet or exceed the standards set out in the 2018 Apartment Guidelines (sic).
- The residential floor area exceeds the minimum guideline requirement by 11.7%.
- The site comprises a '*more central and accessible urban location*', wherein SPPR 4 identifies a requirement to deliver at least 33% dual aspect units.
- The development provides 50% dual aspect units.
- Single and dual aspect apartments are easily identifiable.
- The level of public and communal open space is clarified. All amenity spaces exceed the sun-lighting requirement by substantial margins.
- The issues raised by Parks, Biodiversity & Landscape Services Division and the Drainage Division of DCC have been addressed.
- Waste management is addressed in the Construction and Demolition Waste Management Plan, Operational Waste Management Plan, Construction and Environmental Management Plan and the Construction Management Plan.
- The EIAR also addresses waste management and noise impacts.

## 6.0 Relevant Planning Policy

### 6.1. National and Regional Planning Policy

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

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.



Objectives of Chapter 6, 'People Homes and Communities', including Objective 27, seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities.

Objective 33 seeks to prioritise the new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of measures including reduced vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **6.1.2. Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. The plan identifies five pillars for action.

Pillar 2 - Accelerate Social Housing

Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

### **6.1.3. Housing for All - A New Housing Plan for Ireland (Sept 2021)**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.

- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

#### 6.1.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**

The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF).

RPO 3.2, Promote compact urban growth, targets at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3 notes that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites and provide for increased densities as set out in the national policy.

Regional Policy Objective 4.3. supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.

The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.

Section 5.3 identifies guiding principles for development of the MASP area including:

Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

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

## 6.2. **S.28 Ministerial Guidelines**

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the report of the Chief Executive, and observers’ submissions, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
- Urban Development and Building heights, Guidelines for Planning Authorities (2018).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated ‘Urban Design Manual’).
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated ‘Technical Appendices’).
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

## 6.3. **Dublin City Development Pan 2016 - 2022**

The site is zoned Z3: To provide for and improve neighbourhood facilities.

These are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They may be anchored by a supermarket type development of between 1,000 sqm and 2,500 sqm of net retail floorspace. They can form a focal point for a neighbourhood and provide a limited range of services to the local population within 5 minutes walking distance.

Neighbourhood centres provide an essential and sustainable amenity for residential areas, and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced

This Z3 zoning also extends south to the Swords Road frontage of the Santry Place site to the south and to lands on the eastern side of the Swords Road. Adjoining lands to the west and southwest are zoned Z6, to provide for the creation and protection of enterprise and to facilitate opportunities for employment creation. To the south, lands around the Omni centre are zoned Z4 District Centre, to provide for and improve mixed-services facilities.

Chapter 5 sets out policies for quality housing.

Policy QH5 promotes residential development through active land management and a coordinated planned approach to developing appropriately zoned lands including regeneration areas, vacant and under-utilised sites.

Policy QH6 encourages attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures.

Policy QH8 promotes the sustainable development of vacant or under-utilised infill sites and higher density proposals which respect the surrounding area.

St. Pappan's Church and an associated holy well to the east of the site, are protected structures while the surrounding land is land identified as a Conservation Area. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas. This is also a site of archaeological interest, and Policy CHC9 and objective CHC010 are relevant in this regard.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. The indicative plot ratio for Z3 lands is 1.5 - 2.0, while the indicative site coverage is 60%. Section 16.7.2 identifies a general building height limit of 16m for this area of the city.

Section 16.10 deals with Standards for Residential Accommodation. Section 16.10.1, Mix of Residential Units, states that each apartment development shall contain:

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

These maximum and minimum requirements apply to proposals of 15 units or more.

### **6.3 Applicants Statement of Consistency:**

The statement considers the following policy guidelines and notes the following points:

- National Planning Framework
- Rebuilding Ireland Action Plan for Housing and Homelessness
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018, as amended)
- Guidelines for Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual – A Best Practice Guide (2009)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)
- Childcare Facilities: Guidelines for Planning Authorities (2001)
- Design Manual for Urban Roads and Streets (2013, as amended)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009 as amended)

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018).

#### National Planning Framework

- Redevelopment of this zoned, brownfield and underutilised site adjacent to a public transport corridor is consistent with the objectives for compact growth and supports the population targets for the region.
- In line with the Z3 zoning, ground floor community, retail / commercial and amenity uses support National Policy Objectives 1c, 2a, 6 & 11 and strengthens the vitality of the Santry area.
- The mix of units, design and finishes provide an attractive, high quality, sustainable new mixed-use development within the urban environs and supports National Policy Objectives 4, 28, 33 & 34.
- The promotion of sustainable transport supports Objectives 13 & 27.
- Proposed residential densities are in accordance with NPO 35.
- The density of development within this existing urban area meets the objective of providing new homes at locations that can support sustainable development and at an appropriate scale relative to the location.
- The development has been subject to comprehensive assessment, and mitigation measures, to ensure protection of the environment and sustainable development and supports National Policy Objectives 52 - 57, 63 - 65 & 75.

#### Rebuilding Ireland

- Provision of Part V housing units supports Pillar 2 of Rebuilding Ireland.
- Appropriate residential densities support Pillar 3.
- The development will cater for homes to purchase and for the rental sector and supports Pillar 4 of Rebuilding Ireland.

#### Urban Development and Building Heights Guidelines

- The guidelines have a presumption in favour of increased height in city and town cores and in other urban locations with good public transport access.
- The height provisions of the Development Plan conflict with the guidelines.
- The proposed building heights are appropriate and justified in the context of the guidelines to which An Bord Pleanála must have regard.

- This brownfield site adjacent to a public transport corridor is appropriate for increased densities and building heights in accordance with SPPR1.
- The development caters an appropriate mix of uses, in compliance with SPPR 2 and the Z3 zoning.
- The development satisfies the criteria of section 3.2 and SPPR 3.
- Specific assessments accompanying the application include a Bat Survey, Urban Design Statement, EIAR, AA Screening.
- Proposed densities are in compliance with SPPR4.

#### Sustainable Urban Housing: Design Standards for New Apartments (2018)

- The site comprises a 'Central and/or Accessible Urban Location' within a well serviced area.
- The Quality Housing Assessment and application drawings demonstrate compliance with relevant standards detailed in the Guidelines.
- Provisions relating to dwelling mix, floor areas, dual aspect requirements, ceiling heights and number of units per core, as identified in SPPR 1 – 6, are met.
- The level of car parking and bicycle parking is consistent with the guidelines.
- The private and communal amenity requirements of Appendix 1 are met. Appropriate children's play facilities are provided.

#### Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities and the accompanying Urban Design Manual (2009)

- The development of this zoned, brownfield site complies with the sequential approach to development and makes efficient use of lands.
- The design, layout and built form has been guided by the urban design principles set out, and as reflected in development plan requirements.
- The guidelines provide for higher densities along public transport corridors and the development promotes use of sustainable transport modes.
- The development has regard to the advice and criteria set down in the accompanying Urban Design Manual.

#### Quality Housing for Sustainable Communities - Best Practice Guidelines (2007)

- The QHA and Architectural Design Statement demonstrate compliance with relevant guidance.

#### Childcare Facilities Guidelines for Planning Authorities (2001)

- When 1-bed apartments are discounted, the development caters for 237 no. dwellings which would equate to a requirement for c. 63 no. childcare places.
- The Childcare Assessment concludes that existing childcare facilities in the surrounding area have capacity for to meet this demand, which includes the facility in Santry Place to the south.

#### DMURS

- A Statement of Compliance with DMURS has been submitted.

#### The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)

- The Site-Specific Flood Risk Assessment concludes that the site is located within Flood Zone C and that a Justification Test is not required.
- The site complies with the core principles of the Guidelines and has been subject to a commensurate assessment of risk.

#### Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)

- The Appropriate Assessment (AA) Screening Report concludes that there will be no significant effect on Natura 2000 sites within 15km of the site, and that there is no need to progress to Stage 2

#### Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

- While this a sub-threshold development, an EIAR is submitted in recognition of the potential cumulative effects with other developments in the vicinity which have recently been permitted and/or are currently under construction.
- The EIAR has considered the likely, significant, and adverse effects of the proposed project on the receiving environment. Mitigation measures to reduce impacts on the environment have been incorporated into the design.

#### Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy



- Consolidation of development and regeneration of a brownfield site at higher densities within the existing built-up area adjacent to existing public transport, supports the regional growth strategy and policy objectives.
- The development provides employment opportunities in an established community and non-residential uses will facilitate social regeneration.
- The development promotes sustainable transport.
- The mix of housing typologies will meet the needs of a variety of households and support the provision of lifetime adaptable homes.

#### Transport Strategy for the Greater Dublin Area 2016 - 2035

- This high-density development adjacent to a public transport corridor complies with the objectives of the strategy.

#### Local Policy - Dublin City Council Development Plan 2016-2022

- The proposed development is fully compliant with the Z3 zoning objective.
- Ground floor uses will create a local focal point and provide a range of services for the local population, with higher density residential development over.
- The development has been designed with regard Section 14.7, regarding the avoidance of abrupt transitions of scale between zonings.
- The design complements adjacent permitted residential properties, minimising potential overlooking or overbearing.
- The development complies with the Core Strategy of the CDP.
- While the development contravenes the building height provisions of the development plan, it is appropriate for this location having regard to the objectives of the NPF and the Building Height Guidelines.
- The development complies with the indicative plot ratio and site coverage standards, and the residential density provisions.
- The level of car parking provision is appropriate for this location in the context of the maximum parking standards identified.
- Bicycle parking exceeds development plan requirements and promotes sustainable transport.
- Communal and public open space provision exceed plan requirements.

- The design seeks to maximise energy efficiency. All apartments will be energy efficient, with target NZEB rating. Electric vehicle charging is facilitated.
- The development responds to the policies for the Shape and Structure of the City and reinforces the vibrancy of Santry.
- The new urban form providing a high standard of design and architecture will positively contribute to the city's built environment.
- The development complies with objectives relating to Quality Housing and Movement and Transport.
- The development complies with the Sustainable Environment Infrastructure objectives in relation to drainage, flood risk and water supply, as well as waste management and public lighting.
- AA Screening is undertaken in accordance with Policy GI2.
- Open space and landscaping meet Green Infrastructure requirements.
- The location and layout promote the development of a new, integrated urban community informed by national guidance.
- A Social & Community Infrastructure Assessment is submitted and proposed community infrastructure complements existing facilities in the area.
- A childcare needs assessment concludes that the needs of the development can be met by existing facilities within the area.
- Part V proposals have been agreed in principle with the Housing Authority.

#### **6.4 Material Contravention Statement**

A material contravention statement in respect of the development plan provisions relating to building height has been submitted. Section 16.7.2. of the plan identifies this as an 'Outer City' location, subject to a building height limit of 16 metres for both residential and commercial development. The proposed development includes 4 no. buildings, that range from c. 22.9m (7 storeys) to c. 48.3 meters (14 storeys). The statement makes the following points:

Developments of Strategic or National Importance

- The Strategic Housing Development process was introduced in support of Rebuilding Irelands Action Plan.

- The development contributes to the objectives of the NPF with regard to the delivery housing within existing built-up areas.
- The design and mix of uses at this location comply with NPO11.
- Proposed heights and density on this brownfield site, adjacent to public transport facilities, are appropriate, without being detrimental to existing residential amenity. The development accords with the objectives of the NPF.
- The development is of both strategic and national importance, supports the national planning policy and objectives of both Rebuilding Ireland and the NPF, and therefore can be granted permission under Section 37(2)(b)(i).

#### Section 28 Ministerial Guidelines

- The Apartment Design Guidelines promote development in urban areas, proximate to high frequency public transport, and the development of underutilised, brownfield, infill sites.
- The site can be classified as a '*Central and/or Accessible Urban Location*' suitable for apartment development.
- The development complies with the policies and objectives of the guidelines and can therefore be granted permission under S.37(2)(b)(iii).
- The Building Height Guidelines reinforce the need to consolidate and strengthen existing built-up areas and to increase building heights in appropriate locations.
- SPPRs take precedence over conflicting development plan policies and objectives. S.9(3)(b) provides that, to the extent that they differ from the provisions of the development plan, the SPPRs must be applied instead.
- The proposed heights at this location are justified in respect of SPPR 1.
- The proposed mix of uses complies with the Z3 zoning and SPPR 2 and will enable redevelopment to meet social and economic needs.
- In respect of the criteria set out in section 3.2 of the guidelines,

At the scale of the relevant city/ town

- Swords Road caters for high frequency public, while the proposed Bus Connects Corridor is also planned along this road.
- The M50/M1 provides connectivity to other public transport options in the wider city.

- The tallest element (Block A) is located at the corner of the junction, giving a landmark element at this prominent corner location.
- Blocks D & E provide strong frontage and definition to Santry Avenue, complimenting and contrasting with the regional park opposite.
- The increased heights will not be detrimental existing residential amenities.
- Blocks B, C, & F are aligned and integrate with Santry Place to the south.
- Block G addresses the corner and provides efficient and appropriate use without any impacting residential amenity.
- Ground floor uses provide activity along streetscapes.
- The Landscape and Visual Impact Assessment (LVIA) considers that the development will make a significant and positive contribution to the new emerging townscape and the future context of the area.
- The network of open spaces will contribute to the emerging landscape character, biodiversity, amenity and recreational opportunities of the area.
- The redevelopment of this underutilised brownfield site for a wider variety of uses will improve the visual attractiveness of the area.
- Vehicular access is coordinated with development to the south and avoids a vehicle dominated layout, to aid the creation of a sense of place.
- Open space integrates with Santry Place and provides connectivity to Santry Demesne to the north.

At the scale of district / neighbourhood / street

- The range in building heights takes account of the surroundings, provides visual interest and avoids a monolithic appearance.
- The tallest element addresses the corner and provides a landmark element.
- This junction, together with the park to the north and open space to the north-east at Santry Villas, accommodates the 14-storey element without impacting on existing amenities.
- The range of building heights will integrate with development to the south.
- Blocks D & E create definition to the Santry Avenue and provides a visually pleasant juxtaposition with Santry Demesne to the north.
- Rear blocks and open spaces integrate with Santry Place, to the south, creating a greater sense of openness at an appropriate scale.

- The development creates a sense of place and will contribute positively to the existing urban neighbourhood and streetscape.
- The block layout provides ample public and communal open space and a sense of openness and space between blocks.
- Private amenity spaces ensure activity and passive surveillance.
- Materials and finishes ensure a high architectural standard
- Non-residential uses bring activity and vibrancy to the street, avoiding long uninterrupted walls at street level.
- Generous setbacks from roads creates an enhanced the public realm.
- The development has been subject to a Site-Specific Flood Risk Assessment.
- The development improves the pedestrian quality of streetscapes and creates a more appropriate use of the site.
- Pedestrian routes and connections through the site promote sustainable transport.
- Uses comply with the Z3 zoning, increasing variety and choice in the area.

#### At the scale of site / building

- The daylight / sunlight assessment addresses the availability and quality of light to the development, including public and communal open spaces.
- Initial design proposals were altered to accommodate feedback received from the daylight / sunlight assessment.
- Overshadowing and loss of light to existing residential property will be negligible.
- Apartments will enjoy great levels of daylight and sunlight, with access to amenity areas receiving excellent levels of sunlight.
- Any impact on the sunlight to individual apartments would be minimal in the overall context of this urban setting.
- Compensatory measures / justification are summarised as follows:
  - (Over)provision and variety of communal amenity areas which surpass the sun-lighting requirement by substantial margins.
  - The design and large size of the private balconies.
  - 98% of apartments receive above the required levels of daylighting. All private spaces and living rooms also receive sunlight.
  - There are no single north-facing single-aspect apartments.

- The floor to ceiling height of the ground floor units and the ground floor windows exceed the minimum standards required

#### Specific Assessments:

- A Bat Survey Report concludes that there is an absence of bat activity on the site and that it is of lower importance for bats. Overall impacts on bats are described as negligible subject to mitigation measures.
  - The Irish Aviation Authority and the Dublin Airport Operator have been sent a copy of the application.
  - An Architectural Design Statement has been submitted.
  - AA Screening concludes that the possibility may be excluded that the development will have a significant effect on any European sites.
  - An EIAR has been submitted.
- 
- The proposed densities on this Brownfield' or 'Public transport corridor' site are consistent with the policies and SPPR4 of the Building Height Guidelines.
  - The location and zoning objective are appropriate for the proposed development and in line with the sequential approach of the Guidelines on Sustainable Residential Development in Urban Areas.
  - Achieving increased density in a sustainable manner requires increased building heights to make the most of the zoned lands available
  - The increase in heights does not materially affect surrounding lands in terms of daylight / sunlight and overlooking.

#### Conclusion:

The Board can grant permission

- Under Section 37(2)(b)(i) having regard to the strategic national importance of delivering new housing in appropriate locations.
- Under Section 37(2)(b)(iii) having regard to compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Urban Development and Building Heights Guidelines for Planning

Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).

## 7.0 Third Party Submissions

A large number of observations have been received on this application from the parties listed below:

- Adrienne Bermingham
- Andrew Keegan
- Angela Hayden
- Anne Judge
- Anne Marie Cannon
- Anne O'Neill
- Anne O'Rourke
- Arlene Hetherington
- Barbara Lee
- Barry and Christine Carroll
- Bernie Timmins
- Bridget Walsh
- Caroline Molloy
- Cian Kearins
- Cian O'Connor
- Ciara Faherty
- Cllr Alison Gilliland
- David McNamara
- Declan McGrath
- Dominic Tuohy
- Dorothy McHugh
- Eddie Bryce
- Eithne Tobin
- Ellen McKenna
- Fionnuala Murphy
- Frances Hegarty
- Frank Keoghan
- Geraldine Merrick
- Geraldine Murphy
- Helena Larkin McElroy and Colm McElroy
- Ian Croft

- Janet Lacey
- Jean Brophy
- Jimmy Scurry
- Joey Hughes
- John Conway (Louth Environmental Group)
- John McGovern
- John Nolan
- John Nolan / Santry Whitehall Forum
- Joseph Keogh
- Joseph Lacey
- Kate Carroll
- Ken Lyons
- Kevin and Marie Ryan
- Liam Sweeney
- Louis O'Flaherty
- Louise Gray
- Louise Lowry
- Lourda Kenny
- Mary and Peter Maguire
- Mary Cushnahan
- Maura and John O'Grady
- Melissa Rooney
- Michael McKenna
- Michelle Rooney and others
- Morgan Nolan
- Niamh Scurry
- Nicki Rocca and Sean Higgins
- Oak View Residents Association
- Pacelli Clancy
- Patricia McSwiney
- Patrick Fagan
- Pauline Ebbs
- Peter Gerken
- Peter Lowney
- Philip Lacey
- Phyllis Lacey
- Rachel Cribbin
- Rebecca Crowley
- Róisín Shortall TD
- Santry Community Association CLG.



Having regard to the number of submissions received and the overlap in the issues raised, the observations have been summarised together under the broad headings below:

### **Land use zoning**

- This predominantly residential development is contrary to the Z3 zoning.
- This would be the fourth such contravention of the development plan in this area, without a comprehensive plan. An LAP is required for the area.
- Proposed non-residential uses do not provide a meaningful level of employment and the residential use is disproportionate to the services provided.
- There will be displacement of local employment uses from the area while increasing population.
- The displacement of employment and community facilities outside Santry will necessitate private car journeys which should be planned for.

### **Community Infrastructure**

- There is a lack of social and community infrastructure in the area including schools and health services.
- In combination with adjoining permitted development, there is a significant level of development and population increase proposed for the area, with impacts on the amenities and character thereof.
- There is no overall plan or review of the appropriate level of development for the area, and applications are assessed on a stand-alone basis.
- An LAP for the area is required which should consider the infrastructure and services required to serve the increasing population.
- The Dept. of Education previously raised concerns regarding the lack of school provision in this area. The information in the EIAR in this regard is unreliable.
- Previous rezoning proposals in this area were withdrawn in recognition of the lack of services and facilities.
- The lack of childcare facilities should not be accepted and the conclusions of the childcare demand assessment are questioned.
- There is a lack of quality amenities and open space for existing residents.
- Santry Demesne lacks active recreational facilities and does not obviate the requirement for recreational and public open space within the site.

- Reference to Morton Stadium and Trinity Sports Grounds as amenities is inappropriate as they are not publicly accessible.
- There has been a lack of public consultation with the local community.
- Regard should also be had to potential development of lands east of the M50.
- Reliance on 2016 Census data does not reflect the extent of permitted development in the wider area.

### **Traffic and Transportation**

- The development will exacerbate existing congestion in the area, which already leads to traffic diverting onto local residential roads, with road safety impacts.
- Some observers argue that parking provision is high adjoining high frequency public transport, and that all car parking should be omitted.
- Other observers argue that a lack of parking provision will result in overspill parking on adjoining roads.
- The high number of cycle parking spaces is welcome and Bus Connects will enhance cycle infrastructure in this area.
- Construction workers should only be permitted to park within the site.
- The description of the site as well served by frequent high-capacity public transport is not supported.
- The area is served by bus services only. These services do not originate in Santry and lack capacity as they pass through from other areas.
- The lack of continuous bus lanes in this area increases journey time.
- The Mobility Management Plan (MMP) depends on Bus Connects, which should be substantially complete prior to approval of this development.
- The mobility management plan fails to identify the junction at Santry Place and adjacent development.
- Inadequate provision is made for Bus Connects requirements.
- Pedestrian and cycling infrastructure in the area is deficient and the lack of a cycle lane on Santry Avenue is a concern.
- Existing council maintenance services and activity in the area are inadequate.
- The approved left-in / left-out arrangements on Swords Road permitted as part of the Santry Place development are not being adhered to. That entrance layout causes difficulties for traffic accessing the site from the north.

- No consideration is given to pedestrian and cycle movements to existing amenities and schools in the area.

### **Height and Design**

- Proposed building heights are excessive and out of character with the area.
- This is not an appropriate location for high-rise development.
- The height contravenes the development plan, and the provisions of SPPR 3 of the Building Height Guidelines are not satisfied.
- Those guidelines do not permit the zoning objective to be disregarded.
- The site does not satisfy the requirement of SPPR 3A for current high frequency public transport services due to current capacity issues, and future transport proposals.
- Unless the criteria under SPPR3 are satisfied, permission cannot be granted.
- No assessment of bird impacts has been undertaken.
- The development is not of strategic or national importance and no justification in this regard has been provided.
- Permission cannot be granted where it would have to be justified under the Building Height Guidelines and Apartment Guidelines, as they are ultra vires and not authorised by section 28(1)(c). Notwithstanding this, s.28(1)(c) is unconstitutional.
- These guidelines are contrary to the SEA Directive as they authorise contravention of the development plan without SEA / screening for SEA.
- The Material Contravention Statement incorrectly relies upon the 2018 Apartment Guidelines rather than the 2020 Guidelines and is therefore not in compliance with the requirements of the Act.
- The original proposed location of the tallest block, within the centre of the site, would have attenuated its impact.
- The proposed density and scale of development is excessive for this edge of city location, with no service plan and without high amenity values.
- Observations contrarily describe the finishes and materials as being of high quality, or not high quality and being out of character with the area.
- In combination with recent development, the design creates a canyon effect along Swords Road and the design is not consistent with adjacent development.

- Recent development already creates a wind tunnel effect along Swords Road.
- Microclimatic impacts of the development, including wind, shadow and sunlight and daylight impacts have not been assessed.
- Open space is attractive and proximity to Santry Demesne is an advantage.
- Communal open space is inadequate, having regard to development plan standard and the extent of private amenity space provision is questioned.
- Recent developments have resulted in daylight and sunlight impacts on adjoining residential privacy, and have added to dust and noise impacts.
- High rise development was not successful in Ballymun and those mistakes are being repeated, contrary to development plan Objective QH12.
- There is a failure to consider cumulative impacts of developments on the area.
- The development materially contravenes the development plan in relation to dwelling mix and floor areas and cannot be justified under SPPR1 or SPPR8.
- An LAP should consider a housing mix that will encourage downsizing and contribute to community development.
- There is sufficient apartment provision in the area and more affordable family units are needed to meet local housing need.
- The CGI images do not reflect the proposed development.
- A similar design has already been refused as Phase 2 of Santry Place.
- The use of the access to Santry Place was not part of that original permission.
- High rise developments are associated with mental health issues.
- Developments should provide community supports and a design that contributes toward building community.
- If this is a Build-to-Rent scheme, it should be rejected as it does not contribute to community building.
- Living spaces should accommodate current home working requirements.
- The development will have overbearing impacts on adjoining dwellings.
- There will be negative impacts on the amenities and views from Santry Villas.
- Proximity to the airport raises safety concerns.
- There is limited capacity to deal with fires in high rise buildings. National Policy Objective 4 is not satisfied with regard to the wellbeing of residents.
- The development appears to be contrary to fire safety regulations.

## **Drainage and Flooding**

- There is a history of flooding on the Swords Road at this location and a high-water table has necessitated pump installation in basements in the area.
- The development will contribute to these drainage issues.
- Recent development has impacted on foul sewer capacity which will be exacerbated by the proposed development.
- Water pressure in the area is already poor.
- It is not clear that Ringsend WWTP has capacity for additional development.

## **Biodiversity**

- The timing of bat surveys undertaken of the site were marginal.
- Desktop surveys do not refer to the results of 2006 Fingal Co. Co. surveys in Santry Demesne, which suggests the presence of bats proximate to the site.
- The development may impact on a flight path associated with a bat colony at St. Pappan's Church. Further assessment is required in this regard.
- The spread of invasive species will be encouraged by the wind effects.
- Hedgerow removal will result in loss of biodiversity.
- There may be cumulative impacts on habitats, trees and wildlife in Santry Park due to the height and spacing of buildings and microclimatic effects.

## **Heritage**

- Existing attractive industrial buildings on the site should be retained.
- The development will impact on remaining heritage areas and features in Santry, Villas and St. Pappan's Church.
- A plan to protect the heritage of the area is required.

## **Air quality**

- Studies indicate that high rise developments impact on air quality and proximity of the site to the M50 and port tunnel exacerbates this risk.
- Air quality monitoring and a risk assessment should be undertaken before development proceeds.

## **EIAR and AA Screening / NIS**

- The EIAR is deficient in the assessment of increased population demands on services, the impact on biodiversity and human health, a failure to consider

impacts on bird flight paths and collision risk and the assessment of hydrological connections to designated sites.

- The Board lacks the ecological and scientific expertise to examine the EIA Screening Report (sic), as required under article 5(3) of the Directive.
- The applicant's AA information is deficient and not based on appropriate scientific expertise and the requirements of the Habitats Directive cannot be met.
- The Board lacks sufficient and adequate information to carry out AA Screening and AA.
- Inadequate information is presented to screen out potential impact on birds, including bird flight paths and collision risk.
- The AA screening assessment does not provide sufficient information on the methodology or conclusions in respect of protected sites which are screened out. The defined Zone of Influence is not reasoned or explained.
- No regard is had to potential cumulative impacts on protected sites
- The Santry River flows to Dublin Bay and is of poor status and at risk of not meeting its WFD objectives.
- Reliance on Ringsend WWTP is flawed given its current status.
- Mitigation measures designed to address impacts on a protected site cannot be relied upon at Screening Stage.

#### **Procedural matters**

- The SHD process reduces local, democratic decision making and reduces public participation.
- The SHD process is contrary to the EIA directives as the public cannot view statutory reports and advice, such as the CE report, prior to making observations.
- The EIAR is unclear with regard to the layout of development proposed.

**Note:** There is reference in the observation of John Nolan / Santry Whitehall Forum of the intention to seek an oral hearing on this case. I note that the appropriate fee in this regard was not submitted and no subsequent submission in respect of this request was received.

## 8.0 Planning Authority Submission

8.1. In accordance with Section 8(5)(a) and (b) of the Act, the submission from the planning authority was received on 15th September 2021, which includes:

- Chief Executive's Report
- Reports from Internal Departments, Dublin City Council including a letter from Planning Decisions re Development Contributions and Bond Conditions.
- Report from North Central Area Committee Meeting (Monday 23/08/21).

8.2. The report of the Chief Executive includes:

- A summary of the views of the elected members.
- A summary of the main points raised in submissions.
- A summary of the conclusions of interdepartmental reports

The site description notes the recently permitted SHD developments in the area. Trees on the Swords Road frontage are described as being of value and this locality is noted as being adequately serviced by public open space due to the proximity of Santry Demesne.

The report makes the following points:

### Zoning and Principle of Development

- The site is zoned Objective Z3 wherein the proposed uses are all permissible.
- While the percentage of proposed residential use is significant, it is provided at higher densities over ground floor neighbourhood shops and amenities which address the public domain.
- Similar ratios of uses have been accepted on other Z3 sites in the city, including the former Swiss Cottage site.
- It is not considered that the development contravenes the zoning objective.

### Demolition.

- There is no objection to the demolition of the existing structures subject to the appropriate management of any asbestos material and monitoring of air quality.
- An Architectural Heritage Assessment of the Heiton Buckley Building and detailed record of the building should be prepared.

## Layout

- The planning authority is satisfied with the layout and orientation of the blocks.
- There is no objection in principle to a high-density development on this site, given its close proximity to a high frequency public transport corridor.
- The density is comparable with recently permitted developments in the area.

## Height

- All blocks exceed the allowable building height set out in the city development plan. Current national policy in this regard is noted.
- Increases in height and density assist in optimising investment in public transport services, including Bus Connects and cycling networks.
- The development is therefore assessed against the criteria set out in Section 3.2 of the Building Height Guidelines.

### *At the Scale of the City/Town*

- This a prominent location with good street frontage, well-connected with good bus links into the city centre and to the airport. Further improvements are planned under Bus Connects.
- There is a range of shops, services and amenities within walking distance.
- The verified views presented are 'best case scenario' results when the foliage on trees in the vicinity is full, rather than in winter months.
- The planning authority notes the traditional scale of development in Santry Village and the scale of recently permitted development in the area.
- The site can accommodate additional height, which in combination with scale and bulk, must respect its surroundings and character.
- Notwithstanding this relatively unrestrained corner location, the 14-storey Block A is excessive and does not successfully integrate into the area.
- It is a dominant, stand-alone form of development towering over its environs. There are no setbacks proposed to lessen its impacts.
- The 10-storey Blocks, D and E along Santry Avenue would dominate and have an overbearing and overshadowing impact on the public domain, and immediate environs.
- The transition to established and permitted developments is abrupt and does not respond appropriately to the surrounding built environment or context.



- Block A does not achieve the requirement advised at pre-application stage of being of exceptional quality.
- A reduction in height of Blocks A, D and E would address these concerns.

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

- The proposal will improve streetscape along adjoining roads.
- Proposed ground floor uses are vague and a condition should require retail / medical use of such units, in the interest of clarity.
- The quality of architectural design, material and finishes is an important consideration.
- The materials are generally acceptable, should be subject to final agreement.
- The dominant metal cladding on the northern façades of Blocks A, D and E should be replaced with high quality brick or other material.
- The clear connections with public open space to the south is a positive.
- The development will contribute to the mix of building and dwelling typologies in the area, will add to the existing mix of uses and animate streetscape.
- Many observations refer to the lack of GP services in the area. A condition could permit use of one of the units for medical purposes.

The CE report notes the documentation and specific assessments submitted and notes the findings of the Daylight and Sunlight Assessment.

- The units with lower levels of ADF for living areas will enjoy a good standard of residential amenity overall.
- The percentage of living / kitchen/dining areas, not achieving the recommended daylight factor level of 2% is noted.
- The development does not perform particularly well in respect of sunlight.
- Identified compensatory measures include over-provision of communal amenity spaces, however, the PA considers that the level of provision just achieves the minimal standards.
- The overall quality of the amenity spaces is very high and includes an internal residential amenity facility. Proximity to Santry Demesne is also noted.
- On balance, a sufficient standard of daylight would be achieved when taken in conjunction with the alternative compensatory measures.

- The report of DCC's Drainage Division with regard to flooding is noted.
- The application does not include any assessment of microclimatic / wind impacts which should have informed the overall design and layout.
- A condition requiring that wind mitigation measures be agreed and implemented could be attached.
- The Parks, Biodiversity & Landscape Section raise no concerns regarding bats. The recommendation of the Bat Survey Report should be implemented.
- The submission of the IAA is noted and a condition is recommended to try to address this issue.
- The criteria set out in Section 3.2 of the Guidelines are satisfied subject to the agreement of wind mitigation measures and a reduction in height, as follows:
  - Block A reduced from 14 (48m) storeys to 11 storeys / 35m (with the top floor set back) - a reduction of approximately 12 units / 36 bedspaces
  - Block D and E reduced from 10 to 7 storeys / 23m (with top floor set back) - a reduction of 78 bedspaces

This would result in a reduction of 114 bedspaces / 9% and provide a development in keeping with recently constructed and permitted developments, protect the special landscape character of Santry Demesne while allowing for less dominant, more human-scale of development on this prominent site.

#### Residential Mix

- The housing mix is generally acceptable and in accordance with SPPR1.
- Amendments recommended elsewhere increase the number of 3-bed units.

#### Housing Quality

- The application does not identify the apartments which are at least 10% greater than the minimum floor area.
- The minimum requirement for 50% of units to exceed the minimum floor areas is not achieved, however, this is not an SPPR of the Guidelines.
- Proposed floor areas are marginally acceptable noting that some units are exceptionally large. ABP may decide to amalgamate units to create larger units.

- Room widths do not appear to achieve the guidelines standards in all units and the Board may consider amalgamating units to create larger, attractive, dual aspect, 3-bedroomed units.
- Clarification with regard to the level of storage provision may be sought.
- Proposed floor to ceiling heights are welcome.
- Clarity with regard to dual aspect units is required, which appears to below the 50% standard for such location.
- An Bord Pleanála accepted a dual aspect ratio of 45% at the Omni Centre (ABP-307011-20), having regard to the location of the site, street frontage proposed, orientation of the blocks and quality of the development proposed.
- Some 3-bed apartments are single aspect contrary to the apartment guidelines
- The overall quality of balconies is good.

#### Landscaping, Trees and Public Open Space

- The PA estimates that approx. 1,575-sq.m. of public open space is provided, which is the minimum quantum required.
- The calculation of public open space may require review and any shortfall addressed by way of a financial contribution in lieu.
- Open space is well connected and oriented, with excellent sunlight results.
- Further green roof provision should be considered.
- The planning authority calculates a total of 2,300-sq.m. of good quality communal amenity space, which is slightly above the minimum requirements.

#### Social Audit

- As a contribution to social infrastructure, the development provides a community hub (188-sq.m.) in Block E, which is well located and of generous size.
- Notwithstanding the findings of the Childcare audit, a crèche facility should be provided, and Block C may provide a suitable location for such use.

#### Transport

- The Transportation Planning Division consider the access arrangements to be acceptable.
- A 2m footpath along the perimeter of the site is recommended. There are inconsistencies in the submitted drawings in this regard.

- All servicing must take place site inside the site boundary and a proposed loading bay on Santry Avenue should be removed.
- The development would not appear to impact on delivery of Bus Connects.
- A response to the Stage 1 RSA is required.
- A comprehensive and detailed Traffic and Transportation Assessment report (TTA) has been submitted.
- The level, layout and design of the proposed cycle parking is acceptable

### 8.3. Recommendation:

That permission be granted subject to 26 no. conditions, which include the following:

- 2) The development shall incorporate the following amendments:
  - (a) Block A shall be reduced from 14 storeys to 11 storeys / max 35m (with top floor set back).
  - (b) Blocks D and E shall be reduced from 10 storeys to 7 storeys / max 23m (with top floor set back).
- 3) The development shall incorporate the following amendments:
  - (i) Direct access shall be provided from the living area of Apartment G04/1B into the communal open space.
  - (ii) The balcony floors of all units shall have minimum depths of 1.5 metres.
- 4)
  - (a) Two ground floor apartments in Block C shall be omitted and the floor areas amalgamated to provide a childcare facility.
  - (b) Commercial unit A shall be utilised as café / restaurant and shall not be used for the sale of hot food off the premises (that is, as a takeaway).
  - (c) Commercial Units B, C and D shall be utilised as retail units
  - (d) Commercial unit E shall be provided as a medical suite/GP practice unit
  - (e) The use of the Community Space in Block E shall be restricted to Class 10 use as set out in Part 4 of Schedule 2, and shall be provided and maintained within the scheme prior to the occupation of any residential units on site.
  - (f) Prior to the occupation of the Community Space a Special Purpose Vehicle, that would hold the freehold/long leasehold interest in the community space to ensure that its purpose is to provide for the greater benefit of the community, shall be established.

- 5) The applicant shall comply with the requirements of the Irish Aviation Authority.
- 8) Full details of mitigation measures to offset adverse impacts of micro-climate wind conditions shall be agreed with the planning authority.
- 9) The applicant shall comply with the following Transportation Planning Requirements (including):
  - (ii) The developer shall address the issues raised within the Stage 1 Road Safety Audit:
  - (iv) A 2m wide footpath shall be provided around the perimeter of the site, along its boundaries with Swords Road and Santry Avenue.
  - (v) The proposed loading bays along Santry Avenue shall be omitted. All servicing shall take place from within the site.
  - (vi) The applicant/developer/operator shall undertake to implement the Mobility Management Plan.
  - (vii) Cycle parking shall be secure, conveniently located and well lit. Key/fob access shall be required to bicycle compounds within the basement.
  - (viii) Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.
- 10) The requirements of the Air Quality Monitoring & Noise Control Unit in respect of Noise Control and Air quality at retail / café units shall be complied with.
- 12) All recommendation of the Bat Survey Report (May 2021) shall be integrated in the proposed development and details of same shall be agreed.
- 13) The applicant shall comply with the requirements of the Drainage Division
- 14) The following requirements of DCC's Conservation Division shall be adhered to:
  - (a) A conservation expert shall be employed to complete an Architectural Heritage Assessment of the extant principle Heiton and Buckley building, setting out its history, architect and identifying all significant features.
  - (b) The AHIA shall include a comprehensive and detailed photographic record cross referenced against a detailed drawn record.
  - (c) The AHIA, photographic record and drawings shall be submitted to the Conservation Section in DCC and to the Irish Architectural Archive.
- 16) Details of materials, colours and textures of all external finishes shall be agreed.

26) An asbestos survey of the building shall be carried out prior to demolition of the structures on site and methodology for the removal of asbestos materials (if any) and monitoring of air quality shall be agreed with planning authority.

#### 8.4. Internal Reports:

- Transport Planning Division: No objection subject to conditions.
- Drainage Division: No objection. Conditions recommended.
- Parks, Biodiversity & Landscape Services: No objection subject to conditions.
- Housing and Community Services: The applicant is aware of their Part V obligations.
- Air Quality Monitoring and Noise Control Unit: Conditions recommended including real-time monitoring in accordance with the Good Practice Guidance Document (GPGD).
- Waste Regulations: Conditions recommended.
- Conservation Officer: Conditions recommended.
- Contributions and Bonds: Recommend conditions including a bond condition, a condition requiring the payment of a contribution in lieu of public open space and a Section 48 development contribution.

#### 8.5. Summary of views of elected representatives expressed at the Area Committee Meeting, 23/08/2021.

- Concerns regarding the height of development which exceeds that allowed under City Development Plan.
- Impact on the character of Santry Village and surrounding area.
- Overshadowing of nearby residents and Swords Road.
- Concerns about the traffic impact and under-provision of car parking.
- Deficiencies in school and health infrastructure in the area.
- There were concerns regarding the low number of 2-3 bed units.
- Deficiencies in open space provision, contrary to development plan guidelines.
- Failure to properly address the risk of flooding of the Santry River and the impact on flood alleviation in the area.

- Query regarding the number of dual aspect units.
- Regard should be had to other permitted developments in this area.
- Deficiencies in public transport and cycle infrastructure in the area.
- There is a need for an LAP for Santry.
- Impact on the setting of St. Pappan's Church to the east.
- There is a lack of clarity in relation to proposed tenure types.
- There is limited demand for further commercial units in the area.

## 9.0 Prescribed Bodies

### 9.1. Irish Water

In respect of Wastewater: In order facilitate the proposed development and support future development in the area, the existing Santry Pump Station needs to be redirected to the North Fringe sewer catchment. Irish Water confirms the rising main for this redirection has already been laid on Northwood Avenue. Additional works at the Pump Station and new connection points are also required to be delivered for service connections for this development. Irish Water is progressing a project to deliver these upgrades/works, which is currently at concept design stage and has an expected completion date of Q4 2026.

In respect of Water: In order to accommodate the proposed connection to the existing water main, approx. 20m of new pipe will be required to be funded by developer.

The applicant has been issued a Statement of Design Acceptance in respect of design proposals within the redline boundary. Conditions recommended.

### 9.2. Irish Aviation Authority

The applicant should be requested to engage with DAA / Dublin Airport and the IAA Air Navigation Service Provider (IAA-ANSP) to develop an aeronautical assessment identifying whether the development and associated construction activity will adversely impact on the safety of flight operations at Dublin airport. This should focus on:

- Wind turbulence and impact on runways.
- Impacts on communication, navigation and surveillance equipment, particularly during construction.
- Instrument Flight Procedures, examining the need for a review of construction phase by an approved designed.

If permission is granted, 30 days' notice should be provided to the DAA / Dublin Airport and the IAA Air Navigation Service Provider (IAA-ANSP) of any proposed cranes. Obstacle lighting for the tallest apartment block should be subject to condition.

### 9.3. **Transport Infrastructure Ireland**

No observations to make.

### 9.4. No observations were received from the following notified bodies:

- National Transport Authority
- Dublin City Childcare Committee
- Dublin Airport Operator
- Fingal County Council

## 10.0 **Assessment**

10.1. I have examined the application details and all other documentation on file, including the Chief Executive's report and all of the submissions received in relation to the application, I have inspected the site, and having regard to the relevant local, regional and national policies and guidance, it is proposed to consider the development under the following broad headings:

- Land use and Development Principle
- Design and Layout
- Residential Amenity
- Daylight and Sunlight



- Community and Social Infrastructure
- Cultural Heritage
- Transportation and parking
- Drainage and Services
- Ecology
- Material Contravention
- Chief Executives Recommendation

## 10.2. Land Use and Development Principle

The proposed development comprises the construction of 350 no. apartments and associated works, including other retail and commercial uses on the lands. Such other uses do not exceed 4,500-sq.m. or 15% of the overall floorarea of development proposed on the site. The lands are zoned Z3: *To provide for and improve neighbourhood facilities*, in the current Dublin City Development Plan, wherein the proposed uses including residential use, are all identified as permissible in principle. I consider therefore that the proposed development meets the definition of Strategic Housing, under section 3 of the 2016 Act, as amended.

Observers have raised issues regarding compliance with the Z3 zoning objective. As noted above, the range of uses are permissible in principle and I consider therefore that the issue relates to the extent of residential development proposed on the site. In this regard, I note that the development plan does not specify limits or proportionate uses on such lands. The development provides a number of ground floor commercial units and a community facility with frontage to adjoining public roads. I consider that these would meet the development plan requirement for local facilities providing a limited range of services to the local population within 5 minutes walking distance, while also facilitating residential development at higher densities. I note also the relatively large extent of Z3 zoned lands within this area, including existing commercial properties to the east of the Swords Road and which includes the recently completed Swiss Cottage development and lands further south. I do not consider therefore that further, extensive commercial / retail provision on the site would be warranted and that such could serve to undermine the District Centre role of the Omni Centre to the south. I do not therefore consider that the proposed

development would undermine or contravenes the land use objectives of the development plan for this site or the wider area, and I note the opinion of the Chief Executive in relation to this matter.

Observers' also argue that the development should be refused planning permission pending the preparation of a LAP for the area. While the city development plan is currently under review, there is currently no objective to prepare a Local Area Plan for this area and this would not comprise a reasonable basis for refusal in this case. I note also that the Ballymun LAP, which was adopted in 2017, relates to an extensive area of lands to the west of Shanliss Avenue.

I refer to the provisions of the Guidelines for Planning Authorities in relation to the *Regulation of Commercial Institutional Investment in Housing* (May 2021). Having regard to the nature of proposed residential accommodation comprised entirely of apartments, it is not considered that the conditions outlined in these guidelines would be applicable in this case.

### 10.3. Design and Layout

The site occupies an important position at the junction of Santry Avenue and Swords Road, adjoining a regional park, at the boundary between the City Council and Fingal County Council administrative areas. The immediate environment has been characterised by low-rise employment / industrial uses and adjoining roads infrastructure. This character is evolving with recent residential redevelopment of lands fronting Swords Road to the south of the site.

The development is provided as a series of blocks (A – G) aligned on a north-south axis, separated by areas of communal and public open space. Ground floor commercial and community uses front onto Swords Road and Santry Avenue. Building heights generally range from seven to 10-storeys, with the taller elements fronting Santry Avenue to the north. Block A, at the junction of these two roads, rises to 14-storeys. The development effectively continues / comprises phase 2 of the recently completed Santry Place development to the south, providing linkages in terms of open space and access.

The proposal for 350 no. residential units on the site equates to a density of approx. 233 / ha. Having regard to the central / accessible urban location and brownfield

nature of the site, proximity to services and amenities and public transport services, such densities are regarded as acceptable and in accordance with national, regional and local planning policy. I also note the objectives of recent Government Policy set out in Housing for All which identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning. The consolidation of existing built-up areas in the manner proposed will be an important contributor to the achievement of such targets in a more sustainable manner.

The layout of development on the site is regarded as satisfactory, creating good linkages with adjoining development and amenity spaces, providing active frontage to adjoining roads and quality and well-lit open space. I note the report of the planning authority in this regard.

Concerns have been expressed by observers with regard to the height of development proposed. I note also that the planning authority have recommended that the height of Blocks A, D and E be each reduced by three floors. Having regard to the adjoining land uses to the west and north and the nature and width of the adjoining roads and junction, I consider that the site has capacity to accommodate increased height. Recently completed development to the south and southeast rises to six and seven storeys, which is an increase from the traditional low-rise nature of development in the surrounding area. The proposed development continues these heights, rising to ten and fourteen storeys along the northern boundary. The development would materially contravene the building height provisions of the development plan and I have considered the development under the criteria set out in section 3.2 of the Building Height Guidelines in section 11.11 below. I conclude that these criteria are satisfied and that the proposed building heights can be satisfactorily accommodated on the site.

I do not necessarily concur with the planning authority recommendation that the height of Blocks A, D and E be reduced. I consider that the recommended reduction in the height of Block A would provide an unsatisfactory design solution, resulting in a block which will neither function as a landmark nor integrate with its surroundings satisfactorily. With regard to Blocks D and E, having regard to the alignment of the blocks and relative slenderness on their northern elevations, I do not consider that they would result in undue negative impacts on the visual amenities of Santry

Avenue or the wider area. A reduction to 7-storeys would provide a consistent height across this site and the adjoining development to the south but would lack variety and visual interest. When viewed from the adjoining public realm on Santry Avenue, I am not convinced that the recommended reductions would result in a material change to how the development is seen or experienced or that they would result in any improvement to the design.

I note and generally concur with the comments of the Chief Executives report (page 12) in relation to the external materials and finishes. I would echo comments regarding the extent of metal / composite cladding proposed on the northern / Santry Avenue elevation and recommend that appropriate conditions be attached in the event of a decision to grant permission, requiring a revised treatment to this elevation. The proposed materials are otherwise considered to be of good quality and provide a satisfactory contrast with the Santry Place development to the south.

While the site is located within the administrative area of Dublin City Council and this application is being assessed on the basis of the Dublin City Development Plan 2016, Dublin Airport lies within the administrative area of Fingal County. Variation no. 1 to the Fingal County Development Plan 2017-2023, adopted in December 2019, defines revised noise zones associated with Dublin Airport. The site is located within Zone D, wherein the plan notes that all noise sensitive development is likely to be acceptable and I note the analysis set out in Chapter 9 of the EIAR in this regard.

The proposed development rises to approx. 48m height. The site is not affected by the inner or outer safety zones associated with Dublin Airport as identified in the Dublin City Development Plan 2016. I note however, that the *Safeguarding Chart for Dublin Airport*, which accompanies Variation no. 1 of Fingal County Development Plan 2017, provides further detail in this regard. This chart indicates that the site is located within the *Inner Horizontal Surface* area, wherein there is a requirement for consultation with the airport licensee before granting permission for buildings, structures, erections and works exceeding 45 metres in height.

No observation from the Dublin Airport Authority has been received, however, the observation from the IAA is noted. This requires that the applicant engage with DAA and the IAA Air Navigation Service Provider (IAA-ANSP) to develop an aeronautical assessment identifying whether the development and associated construction

methodology will adversely impact on the safety of flight operations at Dublin airport. The observation requests that if permission is granted, 30 days' notice should be provided of any proposed cranes and that the provision of obstacle lighting should be subject to condition. I note the comments of the Chief Executive and concur that earlier consultation with the DAA / IAA would have been useful in resolving these matters. Having regard to the potential effects of the development, I consider that conditions requiring compliance with the requirements of the IAA / DAA should be attached in the event of a decision to grant permission. Measures in this regard, including any required revisions to the development, should be agreed in writing with the planning authority prior to the commencement of development.

Observers' have commented with regard to the capacity of fire / emergency services to deal with events in taller structures in the city. I note that the Dublin Fire Brigade comprises part of the Dublin City Council and that the Chief Executive's report has not raised concerns in this regard. Fire safety certification and compliance with building regulation requirements are otherwise outside the scope of this report.

#### 10.4. Residential Amenity

The development proposes the construction of 350 no. apartments on the site and the application is accompanied by a Housing Quality Assessment which addresses compliance with the standards set out in the Apartment Design Guidelines.

Internal floor areas meet or exceed the guideline standards. I note planning authority comments with regard to deficiencies in room widths in Block G, however, having regard to the irregular shape of these units and overall compliance with the floor area standards, I do not consider that these units are unacceptable. I note that the mix of units complies with SPPR 1 of the Guidelines. 16 no. 2-bed, three-person units are proposed within the development, which comprises 4.5% of proposed apartments. Section 3.5 - 3.7 of the Apartment Design Guidelines provide for such accommodation in line with the Quality Housing for Sustainable Communities guidelines, subject to comprising a maximum of 10% of proposed apartments.

In respect of dual aspect provision, having regard to section 3.17 of the Apartment Design Guidelines, I consider that this location would give rise to a requirement of 50% dual aspect units, and I note the comments of the Chief Executive in this

regard. While many of the units are clearly either single or dual aspect, having regard to the design and layout of the blocks the definition of certain units may be less clear. Based on my assessment, I consider that the development achieves compliance with, or marginally exceeds, the guideline requirement. I do not consider that any shortfall arising from a different interpretation of dual aspect provision within the development would be material. I note that single-aspect units are generally east or west facing and no north-facing single aspect units are identified.

The guidelines also note that ideally 3-bed units should be dual aspect. I note that 6 of the 19 no. 3-bed units proposed are single-aspect, however, these units have generous floor areas and face west onto communal open space. Combined with floor to ceiling heights of 3.1m and relatively high levels of daylighting, I consider that satisfactory levels of residential amenity will be achieved. Having regard to the number of units overall within the development I do not consider this aspect of the development to be unacceptable.

Public and communal open space provision within the development is regarded as acceptable. Public open space connects with that of the development to the south to provide an integrated layout and facilitate connectivity in this area. I note that the site adjoins a major public park to the north, albeit within the Fingal Co. Co.

administrative area. The Dublin City Council Parks, Biodiversity and Landscaping Department are generally satisfied with the landscaping proposals. The planning authority have raised an issue with regard to the applicant's calculation of public open space provision. On review, however, I consider that the development still achieves compliance with the public open space standards of the development plan, and I would concur with the conclusions of the planning authority in this regard.

Having regard to the extent of taking in charge proposed, a condition safeguarding public access to the central public open space would be appropriate in the event of a decision to grant permission in this case.

Communal open space is provided between blocks A/B and C/D, and between E/F and G and at roof level. The design and layout of provision is regarded as satisfactory. I note the comments of the planning authority with regard to the areas of communal open space at roof level cited by the applicants, however, on review I consider that the applicants figures appear to be correct. In addition to such external communal open space, the development provides a residential amenity facility of

187-sq.m., between Block A and D, fronting onto Santry Avenue. This is a positive aspect of the development and supplements communal open space provision. There is some variation in levels across the site and while commercial / public access units are generally at or close to grade, the development incorporates the difference in levels to provide some landscaped separation between Santry Avenue and this residential amenity unit, which is considered to be a successful design approach.

The current proposal provides for development of 7-14-storeys / 48.3m, which is lower than the definition of high-rise in the city development plan. I note observer's references to the impact of high-rise development on air quality, and the referenced article in this regard (*The Impact of High-Rise Buildings on the Living Environment*, Botir Giyasov, Irina Giyasova). The article describes how in certain cases high rise urban development can impact on local air conditions, however, I note that the assessment is based upon different meteorological conditions than arise in Dublin and a scale and intensity of development far higher than that proposed in this case. Having regard to the scale of development proposed and the surrounding pattern of development, including low-rise development and regional park, I do not consider that the climatic conditions described in this report would arise in this instance.

Observers have also raised concerns with regard to existing ambient air quality in this area having regard to its proximity to the port tunnel / M50. I note that the Chief Executives report, and the report of the Air Quality Monitoring and Noise Unit of the City Council, do not raise concerns in respect of the proposed development in this regard. The draft "Dublin Region Air Quality Plan 2021 - Air Quality Plan to improve Nitrogen Dioxide levels in Dublin Region" was published in October 2021. I note that this does not identify any changes to land use plans and that development of the nature proposed would generally align with the recommendations of the draft plan.

The impact of the proposed development on air quality is considered in the EIAR and the contribution to traffic volumes in the surrounding area and level of emissions generated, is not considered to be significant. In addition, the consolidation of development in existing built-up areas offers greater scope for more sustainable transport solutions and longer-term improvements in terms of emissions / air quality. I do not consider therefore that the proposed development will have significant negative impacts on air quality in this area.

No assessment of the microclimate / wind environment has been submitted with the application. I note the comments of the planning authority and the recommended condition in this regard. The development would be defined as mid-rise in the current city development plan and is similar in form to the Santry Place development. I note also that the development permitted under ABP-307011-20, is of similar form to the current development proposal. The assessment of microclimatic effects in that case concluded that there would be minimal ground level impacts. Although not directly comparable, I consider that it does provide a sufficient basis to conclude that a condition of the nature recommended by the planning authority would satisfactorily address any issues arising in this regard.

## 10.5. Daylight and Sunlight

10.5.1. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of 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 for daylight provision above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the Board should apply their discretion, having regard to local factors including specific site constraints, balanced 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 and BS standards.

The application is accompanied by a Daylight & Shadow Assessment stated to be prepared in accordance with the BRE Guidelines and BS:8206. This report considers daylight and sunlight to proposed dwelling units, sunlight and shadow to amenity



spaces and impacts on neighbours. I have considered the reports submitted by the applicant and have had regard to BRE 2009 guidance– Site Layout Planning for Daylight and Sunlight and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While updated British Standard (BS EN 17037:2018 'Daylight in Buildings), replaces the 2008 BS in May 2019 in the UK, I note that the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines.

#### 10.5.2. Daylighting to proposed units:

In terms of the daylighting of internal spaces, the Average Daylight Factor (ADF) is used to describe the ratio of light levels inside a structure to light levels outside of structure, expressed as a percentage. The 2009 BRE guidance, with reference to BS8206 – Part 2, identifies appropriate values for Average Daylight Factor (ADF) that should be achieved for differing room uses, including 2% ADF for kitchens, 1.5% ADF for living rooms and 1% ADF for bedrooms.

Section 2.1.14 of the BRE Guide notes that non-daylit internal kitchens should be avoided wherever possible, especially if the kitchen is also used as a dining area. If the layout means that an internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. While guidance does not give advice on the targets to be achieved within a combined kitchen/living/dining layout, it provides that where a room serves a dual purpose the higher ADF value should be applied.

The proposed apartments follow a typical layout including a combined kitchen / living / dining area. The submitted report notes that the higher kitchen figure of 2.0% is more appropriate to a traditional house layout and single room usage, than such apartment layout. It goes on to assess the development against the minimum values of 1.0% for bedrooms and 1.5% for the Living room spaces, and the strict 2.0% ADF value for Kitchen / living room values. In support of the use of a 1.5% ADF value for kitchen / living rooms, the report notes the following:

- The constraints applied to traditional housing differ from that in apartment design, where density and other constraints apply and must be balanced.
- Apartment design prioritises the living area close to the natural light / windows and easy access to the private amenity area.

- In single aspect layout, light will always be reduced further from windows. The layout balances the objectives of guidelines, the project and site-specific design constraints.
- The kitchen (unlike in a traditional house) is used for food preparation, with separate living dining space beyond. Separation from natural light is ameliorated and supplemented by specific artificial task lighting.
- The food preparation area can be regarded as a non-daylit internal galley kitchen, as it does not include a dining area and opens onto a well daylit living room in accordance with para 2.1.14 of the BRE Guidance.
- Living rooms exceed the 1.5% ADF requirement and may be considered as *well lit*.
- The galley kitchen can be considered as either an internal physical space separated by a wall, into which no daylight will be received, or as a virtual space without a dividing wall, into which some daylight will be received.
- A physical wall to a galley kitchen would provide slightly higher ADF in the living space, however, this minimal improvement would be outweighed by the benefit of having some daylight penetrate the galley kitchen as a virtual space.
- It is common practice to assign an alternative, relaxed target to such single aspect rooms. This requirement is usually more onerous as it requires overall light levels to include the food preparations areas, notwithstanding that specific task lighting will be provided.

This rationale is not considered to be unreasonable.

The report assesses the daylight performance of the proposed ground and 1st floor apartments. I note some discrepancies in the ground floor plans assessed except in respect of Block A/B, however, I do not consider that this materially affects the analysis and results provided. The following results are reported:

- Block A / B: Ground floor units meet the BRE target values. All first-floor units meet the alternative 1.5% ADF targets. 3 units fail to meet the 2% target for Kitchen / Living rooms, with values of 1.6-1.7% respectively.
- Block C / D: All units meet the alternative ADF targets (except for one marginal failure in a bedroom 0.9%). 3 no. ground floor units fail to meet the 2%

target for Kitchen / Living rooms, with ADF values of 1.6 – 1.9%. 4 no. first floor units fail to meet the 2% target for Kitchen / Living rooms, with values of 1.7-1.9%.

- In Block E / F: All units meet the alternative ADF targets (except for three marginal failures in bedrooms of 0.8-9%). Two ground floor units fail to achieve the 2% target for kitchen / living spaces, with ADF values of 1.5%. 3 first-floor units fail to meet the 2% target for Kitchen / Living rooms, with values of 1.5-1.8% respectively.
- In Block G, all units meet the BRE ADF target values.

Across all rooms, the report concludes that

- 90% of 1st floor rooms comply with the strict BRE requirements.
- 98% tested rooms on the 1st floor comply with the relaxed requirements.
- Average ADFs for all tested living rooms is 3.2% and for bedrooms 2.5%

In total, assuming that the presented results for the first-floor level would apply, conservatively, to floors 1 – 6, and that upper floor units in Blocks A, D and F which are dual aspect would achieve the reference values, the rate of compliance with the strict BRE guidance values of 2% ADF for K/L/D's would be approx. 81%. This is a conservative figure as improved results would be expected at upper floors in the development.

### Conclusions on Daylighting

I am generally satisfied with the methodology used and the results obtained in the assessment in so far as is practical. Based on the information provided, a conservative level of compliance with the ADF target of 2% for kitchen / living spaces is approx. 81% or with the alternative ADF target of 1.5% for K/L/D is 100%.

Bedrooms generally meet the BRE reference values of 1% except for a small number of rooms where there is marginal non-compliance (values of 0.8 – 0.9% ADF). The development is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and the provisions of the guidelines relating to kitchen / living / dining rooms.

I acknowledge the challenge in achieving the BRE standards in larger scale apartment development, particularly where higher densities and private balconies are provided and note also that the BRE standards are more appropriate in traditional suburban housing typologies. The development has regard to the provisions of the BRE guidance and generally achieves good levels of compliance therewith. BRE guidance does not regard 100% compliance and notes that natural lighting is only one factor in site layout design. Further, I note that the ADF for rooms is only one measure of residential amenity. In this regard the alternative target of 1.5% ADF for K/L/D's is not considered to be unreasonable.

The Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions set out. The assessment presented allows those units not achieving compliance to be identified, while the sunlight analysis undertaken provides further detail on the level of residential amenity to these units. The application describes compensatory measures as provided for in SPPR3 which will, in my view, result in satisfactory levels of residential amenity, having regard to the need to develop sites such as this, at appropriate densities. These are described generally in the Daylight and Shadow Assessment report as:

- Overprovision of communal amenity space and provision of a variety of high-quality sun lit public and communal spaces.
- Balcony design providing shelter and protection from the wind contributing to residential amenity. A high proportion of balconies exceed guidelines standards.
- All private spaces and living rooms receive sunlight.
- There are no single north-facing single-aspect apartments.
- Increased floor to ceiling heights and ground floor windows will be 2.7m high.

I consider that the design team have maximised access to daylight and sunlight for apartments and am satisfied that all of the rooms within the apartments would receive adequate daylight. The limited extent of non-compliance with the strict standards set out in BRE guidance is acceptable, having regard to the predicted values, the central / accessible urban location and compliance with national and local planning policy in respect of the redevelopment of such brownfields sites. I consider

that the identified compensatory measures are acceptable and will ensure the achievement of satisfactory levels of residential amenity.

#### 10.5.3. Sunlight to Living rooms:

In terms of sunlight to new development, the BRE guide notes that sensitive layout and design of flats will attempt to ensure that each individual dwelling has at least one main living room which can receive a reasonable amount of sunlight. In general, a dwelling will appear reasonably sunlit provided at least one main window wall faces within 90° of due south, and at least one main living room window can receive 25% of annual probable sunlight hours (APSH), including 5% of annual probable sunlight hours in winter (WPSH).

The guidance notes that for larger developments, it may not be possible to have every living room facing within 90° of south but that design should aim to maximise compliance with the recommendations. The assessment considers all first and third floor living rooms against the annual (APSH) and Winter (WPSH) standards, noting that the orientation of blocks has been set having regard to Phase 1 development to the south at Santry Place. The report concludes that all Living rooms receive some sunlight over the course of the year. If marginal results<sup>1</sup> are included 57% of first floor living rooms pass the Annual and Winter sunlight test, 70% of first floor rooms pass the Annual sunlight test and 82% pass the winter sunlight test.

Notwithstanding the exclusion of the marginal results, it is considered that the development achieves acceptable levels of residential amenity having regard to the increasing levels of sunlight at upper floors levels, the levels of daylighting achieved across the development and the sunlight values achieved for public, communal and private open spaces.

#### 10.5.4. Shadow/Sunlight - Gardens and Open spaces

The BRE guidance provides that in order to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of

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<sup>1</sup> Marginal results referenced in the Daylight and Shadow report in this regard are APSH values of 19.4% – 25% and WPSH values of 4% - 5%

sunlight on 21 March. The submitted Daylight and Shadow Assessment tested private, shared and public amenity against the above requirement. In terms of shared / public amenity spaces, the analysis demonstrate that all spaces exceed the standard and will provide satisfactory levels of residential amenity.

I note that the BRE guidance refers to spaces between buildings normally including gardens, parks, playgrounds and shared / public amenity areas and does not refer specifically to private balcony space. The assessment nevertheless considers proposed private amenity spaces / balconies at first and third floor levels, noting that improved results are achieved at upper floors. The report notes that if marginal results (40%+ of the space) are included then 64% of private spaces at 1st floor level meet the requirement and 90% of private spaces at 3rd Floor level meet the requirement.

The report describes this as being generally in accordance with what the BRE guidelines define as *careful layout*. I note also that the size of many of the balconies exceed the minimum guideline requirements and I consider that the scheme provides a satisfactory standard of residential amenity for a higher density scheme in an inner urban area.

#### 10.5.5. Impact on Neighbours

The Daylight and Shadow Assessment report notes that non-residential buildings to the West, North and East do not require testing. Having regard to uses to the west and east, I concur with this statement. Residential properties further east, to the rear of the commercial units on the Swords Road are not generally provided with windows facing west / the site and the separation distances are such that the development would not interfere with or obstruct light thereto.

Sunlight to amenity spaces and windows of the recently completed Santry Place development to the south will not be impacted by this current proposal as it is located to the north thereof. In relation to impacts on daylight in Santry Place, the report notes that the form of the proposed development is a mirror of that along the interface. Appendix F of the BRE Guidance refers to Alternative Target Values for Skylight and Sunlight Access and notes the scenario where an existing building has windows close to the site boundary. To ensure that new development matches the

height and proportion of existing buildings, it provides that the VSC and APSH targets for these windows could be set to those for a 'mirror-image' building of the same height and size, an equal distance away on the other side of the boundary

In this regard, the applicant's assessment notes that any impact on the northern façade of Santry Place will be the same as the theoretical mirrored design and will therefore be compliant with the approach outlined in the guidelines. In this regard, I note also that north-facing windows in Santry Place serve bedrooms or are secondary windows serving kitchen / living spaces, which have their main windows and private amenity spaces on the southern, eastern and western elevations. I do not therefore consider that significant impacts on the amenities of those properties will arise.

The application fails to provide an assessment of overshadowing impacts beyond the open spaces within the scheme. The proposed development, similar to recently completed development to the south, will create a new urban streetscape, with higher buildings enclosing the relatively wide Swords Road. Having regard to the location of Swords Road to the east of the site and its north-south alignment, it should continue to receive satisfactory levels of sunlight. In this regard I note that this alignment reflects the communal and open spaces within the proposed development which are demonstrated to achieve good levels of sunlighting. There will be some impacts on light to Santry Avenue at certain times of the day, however, this will be mitigated by the alignment of these blocks and the overall improved streetscape at this location.

I note observers' comments regarding potential impacts on properties in Santry Villas. Having regard to separation distances from the closest part of the development site of approx. 90m and the orientation of windows in Santry Villas houses, impacts on daylight are not considered to arise. Combined with the location of the proposed development site to the southwest of Santry Villas, significant overshadowing impacts are not considered likely to arise.

The property on the opposite / northern side of Santry Avenue, formerly in Post Office use, is situated within the Fingal County administrative area. I note that the Fingal County Development Plan zones this site and the wider Santry Demesne for open space and amenity use. The property was also in use as a school at one time,

however, that use has since ceased and the property now appears to be in residential use. The application does not consider impacts on this property on the basis that it is in commercial use. The site is partly bounded by mature trees on its southern side and the outlook from the property is currently poor, comprising a busy road and the yard and car park of the builder's providers. The proposed development will result in a significant change in such outlook. The main, south facing windows on this property are located approx. 37m north of Block D at its closest point. There will likely be an impact on the daylight levels to this property, however, existing daylight levels would be elevated by the existing low rise and low intensity uses on the application site. It is considered that the proposal achieves an appropriate form of development at this location, addressing the street and park to the north. The form of the blocks and separation distance achieved will reduce potential impacts and I would conclude that on balance, the proposed development would be acceptable in principle.

## **10.6. Community and Social Infrastructure**

10.6.1. Observers' submissions have raised concerns regarding the capacity of existing community and educational infrastructure in the area to accommodate the proposed development. In this regard I note that the application is accompanied by a Social and Community Infrastructure Assessment.

The development, located on Z3 land, provides a number of retail / commercial outlets, residential amenity facilities and services for future occupants, and a community centre of 187-sq.m. in Block E. I note that the Santry Place development to the south also provides a community facility of approx. 200-sq.m. The Community Infrastructure Assessment identifies a range of healthcare / medical service providers within the surrounding area, however, this does not assess the capacity of such services or consider demands from an increased population in the area.

In respect of the commercial units proposed on the site, I note that condition no. 4 recommended by the Chief Executive identifies uses for the commercial units, including the use of Unit E as a medical suite / GP practice. I consider this condition to be reasonable and appropriate having regard to the objectives for the Z3 zone. Such condition would also satisfactorily address observer's concerns regarding the



lack of healthcare facilities in the area. In the event that the prescribed uses proved unviable, it would be open to the landowner to demonstrate same and seek a change of use at a later date. I consider that the condition should allow some flexibility with regard to which specific unit is used for medical / GP surgery use.

10.6.2. I note and concur with the Chief Executive's comments regarding the current level of recreational amenities available in this area given its proximity to Santry Demesne. The submitted community infrastructure assessment also refers to facilities at Morton Stadium and Trinity Sports Grounds, which is not considered unreasonable having regard to the nature of such facilities and their availability to use by the public, albeit via booked / paid access.

10.6.3. The proposed development does not provide any childcare facilities on the site. The Apartment Design Guidelines note that, notwithstanding the 2001 Guidelines for Childcare Facilities, the threshold for provision of such facilities should be established having regard to the scale and mix of housing proposed and the existing geographical distribution of childcare facilities and demographic profile of the area. The guidelines note that one-bedroom units should not generally be considered to contribute to demands for any childcare provision.

The Community Infrastructure Assessment estimates a future demand for 63 no. childcare spaces arising from the development. This estimate is based on 237 no. two and three-bedroom units, and the ratio set out in the Childcare Facilities Guideline of 20 spaces per 75 no. units. This estimate of demand may be considered conservative, however, having regard to current average household size (2.66 in Dublin) and the proportion of the population of pre-school age in this area (5.1%), as recorded in the 2016 census.

The applicant argues that projected demand can be met in existing capacity in the surrounding area. The Community Infrastructure Assessment identifies 14 no. childcare providers within the area. Those providers responding to their queries identified available capacity of 65 no. childcare spaces. Of those spaces, 42 were accounted for in the recently constructed childcare facility within Santry Place. In addition, the assessment estimates that facilities which did not respond to their queries would on average have expected spare capacity of 4% or 13 spaces. The assessment also refers to a permitted facility within the Omni Park SHD application

(ABP-307011-20), noting that the capacity of that facility is 86 no. spaces, while the development has an estimated demand of 50 childcare spaces. I would query the inclusion of such capacity in any assessment of childcare facilities, however, as construction on that development has not yet commenced.

With regard to the Childcare facility in Santry Place, notwithstanding the original planning application documentation, the confirmed TUSLA capacity of this facility is 84 no spaces. Santry Place provides 207 no. apartments, of which 145 no. are 2 / 3 bed units. The total 2 and 3-bed provision across these developments would therefore be 382 no. units. Having regard to current trends in population and household size, I consider that the capacity of this facility would be sufficient to cater for the likely combined demand from these developments.

In this regard, I do not concur with the planning authority condition and would query the viability of an additional childcare facility immediately adjacent to the existing facility in Phase 1, Santry Place.

10.6.4. I note also observer's comments in relation to the lack of school capacity in this area. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, note that planning applications for 200+ dwelling units should be accompanied by a report identifying the likely demand for school places. In very large-scale residential developments (800+ units), planning authorities must consider whether there is a need to link the phased completion of dwellings with the provision of new school facilities.

The Social and Community Infrastructure Assessment report identifies 5 no. primary schools in the surrounding area, within 1.2km of the application site. Additional schools are also identified within the wider area, 1.3km – 2.4km from the site. Based on average occupancy in the area and the primary school age cohort (CSO 2016), the assessment estimates a demand for c.52 no. primary school places. The applicants refer to Dept. of Education projections for enrolments 2019 – 2036, which identify a trend of declining demand for primary school enrolments in the Dublin region and the State as a whole to 2034. A review of projected demand and capacity in schools in the area indicates that there will be adequate capacity to accommodate the additional demands arising from this development.

Three post-primary schools are identified within 2km of the site, with additional schools identified in the wider area. A demand for an additional 53 no. post-primary school places is estimated for the proposed development, however, I note that such demand is likely to take a longer time to transpire than primary school demand. The Dept. of Education projections for 2020 – 2038, indicate that post-primary enrolments will continue to rise, peaking in 2025 with a gradual fall in numbers thereafter to 2036 to below 2018 levels. Notwithstanding the likely greater travel distances for post-primary students, the assessment concludes that there is annual capacity within the three proximate secondary schools to meet the demands of the area with this development.

I consider that the analysis presented meets the requirements of the Guidelines on Sustainable Residential Development in Urban Areas in terms of quantifying likely demand for school places. I note that the developer is not required or in a position to deliver school capacity in this area and that the Dept of Education engages in on-going school planning exercises in this regard. Notwithstanding this, I consider that it has been demonstrated that there is capacity within the schools network in the area, particularly having regard to trends in population and household formation.

#### **10.7. Cultural Heritage**

Observers have raised issues in respect of impacts on the cultural heritage of the area, including St. Pappan's Church and the loss of certain industrial buildings from the site. I refer also to para 12.6.10 of the EIA section of this report below.

The site is not identified as a site of archaeological interest. I note the assessment of archaeological potential of the site set out in the EIAR and Archaeological Assessment Report and the significance of the site of St. Pappan's church and ecclesiastical enclosure. Having regard to the information presented and the existing use of the site, it is considered that the identified mitigation measures are satisfactory and would address any potential impacts arising.

St. Pappan's Church and associated holy well are protected structures. The church and monuments within the graveyard are identified in the NIAH as being of regional significance. The development plan identifies the church and its surroundings as a Conservation Area and site of archaeological interest. The City Conservation Officer

did not raise any objection to the development in respect of impacts on the character or setting of this structure or Conservation Area, which setting is compromised by existing low-quality structures immediately to the west. The proposed development will not be viewed in conjunction with the church, and I do not consider that significant impacts on its character or setting are likely.

I note the presence of the low-rise modernist industrial building on the application site and the report of the Dublin City Council Conservation Officer. The structure is of some interest but is not a protected structure or identified on the NIAH. Having regard to its scale and location within the site, I do not regard its retention as a viable proposition and consider that the recommendation of the Chief Executive in relation to the creation of a record of the building is a reasonable response to its proposed demolition.

#### **10.8. Transportation and Parking**

Observations have raised concerns in relation to the impact of the proposed development on existing traffic and congestion on the surrounding road network, the level of on-site parking provision and potential for over-spill impacts on adjoining roads, and the capacity of public transport services to serve this and other developments in the area.

The site has frontage to busy regional roads to the north (Santry Avenue R104) and east (Swords Road R132). There are no cycle facilities on the Swords Road south of the junction with Santry Avenue or on Santry Avenue, although there is an inbound bus lane on the Swords Road. The footpath on Santry Avenue is relatively narrow and the design and layout of the two existing entrances to the application site are not satisfactory from a pedestrian safety point of view. While there are pedestrian facilities on the surrounding roads, the environment is not attractive or welcoming for pedestrians.

Two vehicular accesses to the proposed development are proposed, at the northwestern corner of the site and via the existing access road from Swords Road to be shared with Santry Place to the south. This southern access currently operates on a left-in, left-out basis. The site is within walking distance of the district centre at

the Omni Shopping Centre and the adjacent quality open space in Santry Demesne. I note the comments of the Chief Executive with regard to provision of a 2m wide footpath along the frontage of the site. There are some conflicting design details in the submitted drawings and existing trees along the Swords Road frontage constrain works in this area somewhat, however, I consider that revisions to meet this requirement would be appropriate and that an appropriate condition in this regard should be attached in the event of a decision to grant permission.

A number of bus services operate along the Swords Road providing access to the city centre to the south and north to the airport and Swords / Balbriggan. One route runs east - west along Santry Avenue / Coolock Lane. These services operate at relatively high frequency during peak hours as documented in the application. Proposals under Bus Connects will improve infrastructure and bus frequency along both adjoining roads and also provide for improved pedestrian and cycle facilities. Bus Connects provides for two new spine route services along the Swords Road, A2 terminating at the airport and A4 serving Swords. It is expected that planning applications in respect of the Core Bus Corridors will be lodged in Q4 2021. The development does not obstruct or interfere with the draft design proposals in this regard. The closest stations proposed as part of the Metrolink rail project would be approx. 1.6km west of the site at Northwood and Ballymun, however, there is no timeline for delivery of this project at this time.

The application is accompanied by a Traffic and Transport Assessment, and I note the report of the Transportation Planning Department of the planning authority in respect of the proposed development. A Stage 1 RSA has been submitted which is referenced in planning authority reports and I consider that the matters raised could be satisfactorily addressed by way of condition in the event of a decision to grant permission in this case.

There are currently no cycle facilities along Santry Avenue and current road widths would not appear to be sufficient to accommodate the Secondary Orbital Route (N05) proposed as part of the GDA Cycle Network Plan. While this is beyond the scope of the current application, I consider that the development should make provision for the future installation of this route. In the event of a decision to grant permission, conditions requiring revisions to the Santry Road frontage to facilitate

such works would therefore be appropriate. Such provision may conflict with proposed loading areas on this frontage.

Bicycle parking provision exceeds, and is acceptable in the context of, the requirements of the Apartment Design Guidelines and the city development plan. The planning authority Transportation Planning Division indicate that the level, layout and design of cycle parking is acceptable to them. I consider, however, that additional / more proximate cycle parking provision adjoining the commercial units fronting Swords Road would be appropriate.

Car Parking provision comprises 209 no. spaces (0.6 / apartment), which includes 173 no. basement and 36 no. surface spaces (incl. 5 no. set-down spaces and 4 no. car share spaces). Surface car parking is provided along the western and southern access roads, while three of the set-down spaces are located on the frontage to Santry Avenue. This compares with a maximum development plan standard of 525 no. spaces for the development. In support of the lower levels of car parking provision the application provides analysis of current car parking demand within the area based on CSO data relating to average ownership and modal split. A car parking management strategy is provided as part of the application documentation. I note the report of the planning authority Transportation Planning Section and having regard to national policy set out in the Apartment Design Guidelines which promotes reduced levels of car parking provision in such locations, I regard the proposals in this case as acceptable.

The TTA refers to the provision of a set-down / delivery area on Santry Avenue to serve ground floor commercial units. The report argues that the absence of such a facility will likely result in these activities occurring within the road carriageway and / or seeking to mount the footpath which could result in the creation of a traffic hazard. A further set-down area is proposed on the southern access road. The PA recommend that the Santry Avenue set down area be omitted, which is consistent with the approach of the authority in the city generally. The location of these spaces close to the junction to east is a concern, however, in the absence of adequate facilities, I acknowledge the risk that the operational needs of the proposed commercial units could give rise to ad hoc movements and parking. I would recommend therefore that in the event of a decision to grant permission, an operational service plan be agreed with the planning authority which shall include

provision for deliveries to proposed uses on the site. Final agreement on the number and location of set-down spaces should comprise part of this plan.

In assessing likely traffic generation from the proposed development, the submitted Traffic and Transportation Assessment bases its analysis on TRICS data, adjusted to reflect the level of car parking provision on the site. Non-residential uses are assumed to serve the immediate / local catchment with no significant additional trip generation. I do not regard this as an unreasonable assumption.

The assessment assumes an Opening Year of 2022 and considers future design years of 2027 and 2037. The assessment indicates that from 2027 the proposed development has the potential to generate total 55 two-way vehicle trips during AM peak hour and 57 two-way vehicle trips during PM peak hour period. It is assumed that 75% of traffic would enter and exit the site via the Santry Avenue junction and the remaining 25% traffic will enter and exit via the permitted Swords Road junctions. This increase should be seen in the context of the existing builders' providers use on the site, which the TTA reports as generating approx. 28 no. AM peak trips and 20 no. PM peak trips.

The impact of predicted trips on the adjoining junctions is assessed as not significant and falls below the 5% threshold for more detailed analysis of operational performance. Notwithstanding this, the TTA confirms that the site entrance / Santry Avenue junction and the site access / Swords Road junctions will continue to operate well within capacity in the design years. This assessment takes account of committed development in the area including existing recently completed development at Santry Place, further proposed (now refused) development at Santry Place PA under ref. 2543/21, permitted development at the Swiss Cottage and permitted developments at the Omni Shopping Centre.

I note observers' comments regarding existing congestion in the area. As noted in several submissions, a significant number of drivers and commuters travel through this area and many of these would be travelling from further outside the city. The proposed development comprises the intensification and regeneration of an inner, brownfield site, in line with national and regional policy objectives for the consolidation of urban areas. The alternative to such development is to push development further out of the city, increasing transport demands. While all

development can be expected to give rise to some traffic and transportation impacts, development of such sites has a greater likelihood of facilitating a shift to more sustainable modes. In this regard the application identifies measures promoting sustainable travel including implementation of a Mobility Management Plan and a Car Park Management Strategy. The Mobility Management Plan's identifies management and monitoring activities and a strategy in respect of different transport modes. Having regard to the foregoing, I do not consider that the proposed development would give rise to significant or unacceptable impacts on traffic or road conditions in the area.

This is an inner suburban site, located less than 6km north of the city centre and proximate to a number of employment centres, including Dublin Airport. The site is well connected via road and public transport services and presents an opportunity for the intensification and consolidation of development within the existing built-up area. I note that Transport Infrastructure Ireland had no observations to make on the application and that no submission was received from the NTA. The City Council Transportation Planning Division have not raised any objection to the development. I do not consider that the proposed development would give rise to significant impacts on the operation of the surrounding road network or transport systems.

## **10.9. Drainage and Services**

10.9.1. The development provides for the operational collection and management of surface water with attenuation to greenfield runoff rates prior to discharge from the site. Investigations indicate poor infiltration characteristics in the area, and all proposed management and attenuation measures therefore comprise tank / storage features. Mitigation measures include permeable paving, green roofs, catchpit manholes, pluvial cube attenuation system and a separator prior to discharge to the public surface water network.

Proposed surface water discharge is to a manhole constructed as part of the Santry Place development to the south and it is indicated that the petrol interceptor provided as part of that scheme has capacity to accommodate the combined discharge from both of these sites. The surface water network has been designed to accommodate a 100-year storm event (provision for 20% climate change included). Residential



floor levels are set above the 100-year flood levels by a minimum of 0.4m. For storm events in excess of a 100-year event the development has been designed to provide overland flood routes towards green areas and away from structures. The City Council Drainage Division has raised a number of issues in relation to the design and layout of the surface water management system, including the location of attenuation features under pavements / carriageway. In this regard I note the following:

- The outfall surface water manhole is located within the site boundary as required.
- Attenuation storage is located under the area of public open space between Blocks C and F and not under the pavement or carriageway.
- Final technical details of the connection to the public sewer may be agreed prior to the commencement of development, however, I note that the Santry Place development has already provided a connection in this regard.
- The Engineering Services Report confirms that the surface water discharge rate will be managed to 2 ltr / sec / ha, in accordance with the GSDSDS.

In this regard I consider that final technical design details are otherwise amenable to condition.

10.9.2. A SSFRA has been submitted which identifies that the is located within Flood Zone C and is appropriate for development. Subject to the identified mitigation measures, including surface water management design, the development is not considered to be at risk of flooding and should not increase the risk of flooding of adjacent areas or roads. I note that the planning authority Drainage Division has recommended that the SSFRA be developed further taking into consideration the recommendations of the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment, however, the report does not identify in what respect the SSFRA is considered unsatisfactory. I consider that any final technical details in this regard would be amenable to condition.

I note that the planning authority have not raised any issues in respect of the drainage / flooding of the Swords Road, as referenced in observers' submissions. Such flooding is understood to have arisen in the past during instances extreme rainfall. I note that this brownfield site is currently entirely under hard standing / buildings. The redevelopment of the site and proposed management of surface

waters will reduce peak run-off from the site into adjoining public sewers from the current situation and should contribute to an overall improvement in surface water management in this area. I conclude therefore that the development will not contribute to or increase the risk of pluvial flooding on the adjoining roads.

In terms of groundwater flooding, the hydrological impact assessment accompanying the application considers the impact of basement construction on the water regime. The report notes that the underlying aquifer is Locally Important - Moderately productive only in local zones, of low vulnerability and the shallow depth of the basement. It concludes that there is no expected long-term impact on the groundwater regime, and as the site is currently under hardstanding there will be no reduction in recharge.

Having regard to the characteristics of the site and the analysis provided, and subject the mitigation measures set out in the Construction and Environmental Management Plan (CEMP) to project ground water quality, including the monitoring of groundwater levels and monitoring of vibration and noise, I do not consider that significant impacts are likely.

10.9.3. In terms of water supply, correspondence from Irish Water indicates that the site can be accommodated subject to a 20m extension of the water main to connect to the development site. With regard to wastewater, however, Irish Water have advised that in order facilitate the proposed development, works are required at the existing Santry Pump Station. A project to deliver these upgrades/works has an expected completion date of Q4 2026. In the event of a decision to grant permission for the proposed development, first occupation of units should be subject to the completion of such works, however, having regard to the timeframe for completion identified by Irish Water the Board may consider an extension to the life of any permission granted in this case.

#### 10.10. Ecology

The site is currently of low value for ecology, with only marginal vegetation / habitats on the perimeter of the site. Trees on the eastern and western boundaries are to be retained, however, I note that the trees on the western site boundary are not of high quality. The planning authority Parks Dept. describe the tree / hedge impact of the

development as low and that there is adequate compensatory planting and landscaping proposed. I concur with this conclusion.

Observations have raised the potential for bird strikes / collision arising from the proposed development. The Urban Development and Building Height Guidelines note that an assessment of potential impact on flight lines and / or collision may be undertaken in proximity to sensitive bird or bat areas, but the guidelines are not prescriptive in this regard. The subject site is not located in such proximity and is remote from identified / designated sites for birds, and in particular migratory bird species. The site is not currently attractive for birds and observations and surveys on the site do not indicate that this is a sensitive site. I note also that there is no evidence that the recently completed 7-storey development to the south at Santry Place has resulted in any impacts in this regard.

The most critical zone for bird collisions is understood to be the first 12-16 metres above grade or the height of the mature tree canopy. The design of proposed buildings is such that there are not extensive glazed areas, with the majority of glazing divided up by brick, metal panels and louvers. Strong, solid corners are provided on all blocks and fly through conditions do not arise. A condition relating to the treatment of balcony balustrade / glazing may be considered appropriate as there is some lack of clarity regarding the opacity or otherwise of same. On this basis, while events of bird collision could still arise, I do not consider that significant impacts are likely and a condition in this regard would any address residual risks arising.

I note observers' submissions regarding the presence of a bat colony in St. Pappan's Church / grounds to the west and potential impacts thereon. The application site is currently in use as a builder's providers and is occupied by large structures / buildings which are generally in good condition. The hard standing, external storage areas are provided with external lighting and there is little vegetation or corridors present on the site which are likely to facilitate bat roost or foraging activities.

A bat survey was undertaken on 28<sup>th</sup> April 2021, which is within the appropriate period for such surveys. The survey did not detect any bats or bat activity and the report accompanying the application notes that the site lacks commuting and foraging routes to more suitable habitats, and that the landscape is of low suitability

for bats. It is indicated to be unlikely that bats would leave areas of higher potential within Santry Park to forage on the subject site. Trees and buildings on the site are classified as being of negligible bat potential and no signs of bat usage are reported. The illuminated nature of the site is noted as discouraging most bats. Subject to identified mitigation measures including the erection of bat boxes and lighting design, the likely impact on bats is described as negligible.

The report does not refer to the presence of roosting bats at St. Pappan's Church but does acknowledge the suitability of Santry Demesne for foraging bats. I am satisfied that the report adequately describes the suitability and attractiveness of the site for roosting and foraging bats and the likelihood of disturbance or other impacts arising from the proposed development. The site is already developed, albeit in a less intensive manner than currently proposed, and is subject to external lighting. It is not attractive to, or of importance for, bat species in the area and its redevelopment would not appear to result in any severance of existing commuting / foraging routes. I conclude therefore that significant effects on bat species are not likely as a result of the proposed development.

#### **10.11. Material Contravention**

10.11.1. The application is accompanied by a Material Contravention Statement which states that the proposed development may be deemed to materially contravene the building heights strategy of the Dublin City Development Plan 2016-2022.

Section 9(6)(c) of the 2016 Act provides that the Board may only grant permission for a strategic housing development that would materially contravene the development plan where the Board considers that, if s.37(2)(b) of the 2000 Act, as amended, were to apply, it would nonetheless grant permission for the proposed development.

In accordance with s.9(3)(a), the Board is required to apply specific planning policy requirements contained in any guidelines issued by the Minister under s.28 of the 2000 Act and S.9(3)(b) further provides that such specific planning policy requirements will apply, to the extent that they are different, instead of the relevant provisions of the Development Plan.

In respect of building height, section 16.7.2 of the City Development Plan prescribes maximum heights for this area of the city of up to 16m. The plan does not provide for

exceedance of these limits except in identified locations. The proposed development, comprising residential uses over ground floor commercial use in a number of blocks, ranges from 22.9m (7-storeys) to 48.3m (14-storeys). I therefore consider that the proposed development would materially contravene the provisions of the development plan.

10.11.2. I make the following comments in respect of the criteria identified in S.37(2)(b):

(i) *Section 37(2)(b)(i) The proposed development is of strategic or national importance.*

The proposed development occurs on zoned lands and provides for residential development in accordance with the land use provisions of the City Development Plan, and in accordance with local, regional and national planning policy. The development is of a type and scale which meets the definition of Strategic Housing Development set out in section 3 of the Act of 2016, as amended. The 2016 Act is an act to facilitate the implementation of *Rebuilding Ireland, An Action Plan for Housing and Homelessness*, which plan notes that the accelerated delivery of housing is a key priority for government. The delivery of housing is a key objective of Pillar 3 of the plan and of Housing for All. It is considered therefore that the proposed development will contribute to the national strategic objective of delivery of housing.

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

The policies and objectives of the development plan are not conflicting or unclear in relation to building height.

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

Having regard to 9(3)(a) and (b), it is considered that the Urban Development and Building Heights Guidelines are of particular relevance. These guidelines were brought into effect subsequent to the adoption of the current City Development Plan.

These Guidelines support increases in building heights to achieve densification and consolidation of urban areas, including the reuse of brownfield sites. SPPR 1 of the Guidelines provides that development plans shall not provide for blanket numerical limitations on building height. Section 3.1 identifies a presumption in favour of buildings of increased heights in town or city centres and other areas with good public transport. Criteria to be applied in considering applications for buildings taller than prevailing building heights are identified in section 3.2, and SPPR 3 provides that where those criteria are met, permission may be granted even in contravention of the development plan. I note the following in respect of the criteria set out in section 3.2:

<b>Broad Principles</b>
<i>Assist in securing NPF objectives of focusing development in key urban centres, fulfilling targets related to brownfield, infill development and effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</i>
The redevelopment of this currently underutilised, brownfield site located in a central / accessible urban location, at higher densities, would contribute to the consolidation of development and accords with the objectives of the NPF.
<i>Is the proposal in line with the development plan which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</i>
No. The city development plan pre-dates the guidelines.
<i>Where the relevant development 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?</i>
Yes. The site is located within the central / accessible part of the city and is subject to general limits on building heights, rather than performance-based design standards as promoted in the NPF.

**At the scale of the relevant city/town**

*The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

The site is served by number of existing bus services and routes which operate at high frequencies between the city centre and Dublin airport and further north to Swords and beyond. There are also east west linkages along Coolock Lane and Santry Avenue.

I note also that there are future improvements to public transport services in the area proposed as part of Bus Connects, however, the timeframe for implementation remains uncertain.

*Development proposals incorporating increased building height, should successfully integrate into / enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner.*

The public realm in this area is currently of relatively poor quality and is dominated by roads and traffic. Existing low-rise commercial development on this and adjoining sites does not contribute to urban character or streetscape. The area is undergoing regeneration and the development will integrate with and continue the form of recently completed development to the south providing visual and active linkages with Santry Demesne to the north. There are no protected views affecting the site and the development will provide a new landmark / gateway feature at this location.

The application is accompanied by a Landscape and Visual impact Assessment, which includes photomontage and CGI views of the development.

*On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

Recently completed development to the south creates a new urban character and enclosure to Swords Road, which heretofore has been poorly defined. The proposed development will create / contribute to new streetscape in this area, reinforcing its urban character and identity. The development creates a new street with Santry Place to the south and provides for new north-south open space and connectivity through these lands.

The nature of lands to the west and north and the surrounding roads provide scope for increased heights and the development provides an urban edge to Santry Demesne to the north.

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

*The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*

The relationship with Santry Demesne to the north is considered to be satisfactory, providing a new urban edge to the space, while providing attractive views for future residents. The design and layout of open space creates new connections and green linkages through this current hard urban landscape. The creation / extension of new streetscape to Swords Road is a positive aspect of the development.

*The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*

The northern and southern elevations, and alignment of the blocks breaks up the form of development and provides views through the site. The eastern elevation of Block A/B provides a continuous elevation to Swords Road, however, the stepped / increased height, variety in materials and balcony layout breaks up the façade and provides visual relief. Materials are generally of high quality.

*The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of the Flood Risk Management Guidelines.*

The visual character and quality of the public realm is poor and is undergoing a process of change. The width of adjoining roads and junction facilitates increased



height on the site. As noted above, the development provides new urban frontage along the adjoining roads and continues the more urban pattern of development and streetscape to the south. It is considered that the relationship with Santry Demesne to the north is satisfactory and would not be out of keeping with development on the western fringes of the park.

The application is accompanied by a Site Specific Flood Risk Assessment and is not considered to be at risk of flooding or increase the risk of flooding elsewhere.

*The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area and integrates in a cohesive manner.*

The site has been identified as appropriate for a taller, landmark building on the northern edge of the city area, and the development will replace the current weak urban structure at this location.

*The proposal positively contributes to the mix of uses and / or building / dwelling typologies available in the neighbourhood.*

The development will provide 350 no. apartments in this area where residential development has been traditionally characterised by low-rise houses. The development will contribute to a greater mix of housing type and size within this area, more closely reflecting current patterns in household size. The mix of ground floor commercial and community uses will provide for a range of services and uses in line with the Z3 zoning of the site.

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

*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.*

As noted above, the development is considered to achieve good levels of daylight and sunlight to dwelling units and open spaces. Adjoining landuses are not generally highly sensitive to daylight impacts, while development to the south will not be negatively impacted by the development.

*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' or BS 8206-2: 2008 – 'Lighting for Buildings*

I have considered the standards of daylight provision earlier in this report. The development is considered to have appropriate and reasonable regard to the referenced standards and achieves good levels of daylighting to proposed apartments across the scheme.

*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,*

Application documentation indicates the level of compliance with the reference standards and a rationale for the application of an alternative target daylight value in respect of the proposed apartment units is set out. Notwithstanding the achievement of such alternative standard, the application identifies compensatory measures which ensure that satisfactory standards of residential amenity are achieved.

Section 3.2 also notes that Specific Assessments may be required, and I note that the application is accompanied by the following:

- An Environmental Impact Assessment Report (EIAR)
- An Appropriate Assessment Screening report.
- An Architectural Design Statement
- A Daylight and Shadow Assessment.
- An Archaeological Assessment
- A Site-Specific Flood Risk Assessment (SSFRA).
- A Bat Survey Report.

The applicants note that the planning application was referred to the DAA and IAA for comment. There are no submissions or information on the file which suggest that interference with telecommunication channels is likely.

Having regard to the foregoing, I consider that the criteria set out in para. 3.2 of the Guidelines have been incorporated into the development proposal. Having regard to SPPR3(A), I consider that the Board may approve the development even where the specific objectives of the development plan indicate otherwise. In accordance with the provisions of Section 37(2)(b)(iii), it is justified, in my opinion, to contravene the Dublin City Development Plan 2016-2022 in relation to height.

*(i) Section 37(2)(b)(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

I note that since the adoption of the current city development plan, permission has been granted at Santry Place to the south under PA ref. 2317/17 and 2737/19 for development of 7-storeys, rising to 23.1m. Permission has also been granted for a SHD development at the former Swiss Cottage site under ABP-306987-20, rising up to 7-storeys (23.6m), although the constructed development under ABP-303358-19 rises to 6-storeys (20.9m). Further south, permission has been granted under ref. ABP-307011-20 for the construction of 324 apartments, in three blocks rising from 5 (19m) to 12 storeys (40.2m).

Having regard to the pattern of development permitted in the area since the making of the development plan, I consider that permission should be granted in this instance in contravention of the development plan restriction on building heights. In support of this conclusion, I note the recommendation of the Chief Executive and that, notwithstanding the recommended modifying conditions, the development would still exceed the 16m building height limit identified in the development plan.

## Conclusion

I consider that the provisions of Section 37(2)(b)(i) and (iii) have been satisfied and that the Board may invoke the material contravention procedure, in relation to Development Plan building height policies, and grant permission for the proposed development.

**Note:** Observers' have commented on the legality of the S.28 Building Height Guidelines and the Apartment Design Guidelines and the ability of the Board to have regard to same in deciding planning applications, however, I consider that such matters lie outside the scope of this report.

Observers have also argued that in justifying this development the applicant has sought to rely upon the out-of-date, 2018 Apartment Design Guidelines instead of the current 2020 version of same. I acknowledge this discrepancy in the applicant's documentation, however, having regard to the nature of the changes between the 2018 and 2020 versions of these guidelines and the provisions referenced by the applicants, I do not consider that this materially undermines the validity of the application.

### 10.11.3. **Other matters arising:**

#### **Housing Mix**

The proposed development comprises the construction 350 no. apartments broken down as follows:

- 113 no. 1-bed (32%)
- 218 no. 2-bed (62%)
- 19 no. 3-bed (5.4%)

Section 16.10.1 of the Dublin City Development Plan, Mix of Residential Units, states that each apartment development of 15 units or more shall contain:

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

While I note that this is a standard rather than a specific policy or objective of the plan, I note that s.5(6) of the 2016 Act refers broadly to development which would materially contravene the development plan or local area plan, rather than contravention of a specific policy or objective. I note that in other SHD applications

where non-compliance with this development plan standard has arisen, the Board have referred to the material contravention of this aspect of the plan in their order.

SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. The proposed development is in accordance with this requirement, however, it would materially contravene the housing mix provisions of the development plan. This matter has been raised in a number of observer's submissions on the application.

The applicant's Material Contravention Statement does not address this matter, nor does the Statement of Consistency address section 16.10.1 of the development plan. I consider therefore that notwithstanding consistency with SPPR1, consideration cannot be given this material contravention of the provisions of the development plan. Further, I do not consider that modification by condition would be an appropriate mechanism to resolve this matter, having regard to the material nature of modifications which would be required.

#### **10.12. Chief Executives Opinion**

The Chief Executive has recommended that permission be granted for the proposed development subject to conditions. I generally concur with that recommendation. Certain of the conditions recommended by the Chief Executive, specifically conditions no. 2 and 4, require modifications to the proposed development. I have generally considered these conditions in my assessment above and summarise my response thereto below:

Recommended condition no. 2: Reduction in the height of Blocks A, D and E

As noted above, the site is considered to be suitable for buildings of increased height and the design and height of the proposed development is considered to be satisfactory. I do not consider that the recommended reductions in the height of these blocks would result in an improved design outcome, and further consider that they would reduce visual interest and variety at this location, contrary to the criteria

under section 3.2 of the Building Height Guidelines at the scale of the district / neighbourhood. I do not therefore recommend that this condition be attached.

Recommended condition no. 4:

(a) Provision of a childcare facility:

I note the intent of the condition, however, having regard to the registered capacity of the childcare facility in the adjacent Santry Place development, and current demographic trends in terms of household size and age profile, I consider that that facility would have sufficient capacity and is well located to meet the likely combined childcare demands arising from these two developments. I do not therefore recommend that this condition be attached.

(b – d): I regard the recommended conditions on the use of ground floor commercial units as generally appropriate and in the interests of the residential amenities of the area and of this development, having regard to the Z3 zoning objective for the site.

## 11.0 Environmental Impact Assessment (EIA)

### 11.1. Statutory Provisions

This section sets out an Environmental Impact Assessment (EIA) of the proposed development. The development is described in section 3.0 above and also in subsequent sections of this report. It broadly comprises the demolition of the existing buildings on this site of 1.5ha, and construction of 350 no. apartments in 4 no. blocks ranging from seven to fourteen storeys over basement level, with 5 no. retail / commercial units, residential amenity and community uses at ground floor level facing onto Santry Avenue and Swords Road. I refer to the more detailed description of the proposed development set out in section 3.0 above.

This application was submitted to the Board 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. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001-2020 identifies projects in respect of which the submission of an

EIAR is mandatory. The proposed development is not identified within Part 1 of the schedule, nor does it exceed the thresholds identified in Part 2 thereof. I note the following relevant criteria in respect of Class 10 – Infrastructure Projects

(b)(i) Construction of more than 500 dwelling units

(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

Whilst the proposed development does not exceed these thresholds, having regard to the extent of recently completed and planned development in the surrounding area, the applicants have provided an EIAR to allow a comprehensive assessment of the development.

11.2. The EIAR contains the main statement (Vol II) and appendices, along with a Non-Technical Summary (Vol I). Part A, Chapter 1 sets out an introduction and background to the EIAR and the EIA process. The requirements of the Directive and the methodology used in preparing the EIAR are set out and the contributors to the report and their qualifications are identified. Chapter 2 sets out the planning policy context of the proposed development. Chapter 3 describes the proposed development, including the construction process, and identifies alternatives considered.

Part B of the EIAR considers Effects on the Environment. The likely significant direct and indirect effects of the proposed development are considered in the following Chapters, in accordance with Article 3 of the EIA Directive 2014/52/EU:

4. Population and Human Health
5. Biodiversity
6. Land and Soils and Geology
7. Water
8. Air Quality and Climate
9. Noise
10. Material Assets – Built Services
11. Material Assets –Transportation
12. Material Assets – Resource and Waste Management
13. Archaeology and Cultural Heritage

14. Landscape
15. Identification of Significant Impacts / Interactions
16. Summary of EIA Mitigation and Monitoring Measures

In terms of cumulative impacts of the proposed development with other planned projects in the immediate area, section 3.27 notes that these are addressed primarily within each relevant chapter of the EIAR and Chapter 15 (Interactions).

### 11.3. Consideration of risks associated with major accidents and/or disasters.

Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered. The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

Section 3.24.3 of the EIAR, Risks of Major Accidents and / Disasters, notes the requirements of Article 3 and observes that the surrounding pattern of development does not include any man-made industrial processes (including Seveso II Directive sites) which would be likely to result in a risk to human health and safety. I note that the proposed development is located outside the Dublin Airport Outer Public Safety Zone and subject to compliance with the requirements of the IAA, is not considered to give rise to a risk of accidents or disasters. The application is accompanied by a site-specific flood risk assessment, and Chapter 7 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding and will not give rise to flooding impacts elsewhere.

Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.



#### 11.4. Alternatives

Article 5(1)(d) of the 2014 EIA Directive requires “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.”

Chapter 3 identifies the alternatives considered and the reasons for not proceeding with each. In the context of current planning and housing policy for the area, county and the region, I do not regard the Do-Nothing option or alternative locations or uses to be reasonable alternatives. A series of alternative design and layout options were considered and discussed with the planning authority and An Bord Pleanála, which are briefly described. Alternative phasing approaches are also considered. I note that the description of these alternative options may have contributed to observers’ comments regarding lack of clarity in the EIAR. Having regard to the policy and zoning objectives for the area and the location and brownfield nature of the site, it is considered that the issue of alternatives has been adequately addressed in the application documentation.

11.5. 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, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

In carrying out this EIA I have examined all the information presented by the applicant, including the EIAR, and the submissions and observations received during the course of the application. A summary of the submissions made by the planning authority, observers and prescribed bodies in this regard has been set out above.

#### 11.6. **Assessment of Likely Significant Effects**

##### 11.6.1. Chapter 4 Population and Human Health

The EIAR notes that likely environmental effects were assessed at a Strategic Level as part of the City Development Plan.

Likely construction effects:

- Potential negative impacts on residential amenity and human health, associated with construction traffic, including travel disruption and the generation of noise and dust emission during construction.
- There will be negative landscape and visual impacts during construction.
- There will be some short-term positive impacts due to employment creation and additional spend in the economy.
- Potential Health and Safety risks during construction activities.

The EIAR describes the temporary impacts associated with the construction phase as negative and slight/moderate.

Mitigation

- Implementation of an agreed Construction Environment Management Plan (CEMP), Construction and Demolition Waste Management Plan and Traffic Management Plan (TMP).
- Implementation of a Dust Management Plan and Noise Abatement Plan.
- Restricted working hours.
- Monitoring measures in accordance with the Construction Management Plan.

Likely Operational Effects:

- Increased housing provision in the area will have a positive local impact.
- The increased population will give rise to increased demand for services and facilities in the area but may also support improved service provision.
- There will be a slight positive impact on employment and retail spend in the area.
- Increased numbers travelling and commuting to and from the area.
- There will be some landscape or visual impacts arising from the redevelopment of this industrial site.

Mitigation

- The location adjacent to a wide range of amenities and services, within commuting distance of the city centre, and served by public transport.

- The provision of new community uses, residential amenity facilities, commercial / retail uses and public open space within the development.
- Pedestrian and cycle linkages through the site will connect to Santry Demesne.

Residual Impacts include implementation of development plan proposals for the lands.

#### Cumulative Impacts

In terms of cumulative impacts, the development will continue the redevelopment and change in urban character along this stretch of the Swords Road, with landscape and visual impacts. Adjacent development to the south and southeast are generally complete and cumulative construction impacts are not likely. Concurrent construction with permitted development further to the south will be mitigated by the agreed CEMP and traffic management plan. There will be an increase in housing provision in this area to contribute to meeting housing demand, while the increased population will impact on local services in the area.

#### Conclusion.

I note that the EIAR does not assess community infrastructure, however, I refer to section 10.6 of this report above and other documentation submitted by the applicants, including the Community Infrastructure Assessment. I consider that sufficient information has been provided to assess the effects of the development and conclude that significant adverse impacts will not arise.

I have considered all of the application documentation and submissions received, and I am satisfied that predicted impacts in relation to Population and Human Health would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Population and Human Health.

#### 11.6.2. Chapter 5 Biodiversity

Studies and surveys of the site have identified no rare or protected flora or high impact invasive plant species. Habitats within the site are generally of little or no ecological value, with some potential habitat for small mammals along the eastern and western boundaries. Limited bird species were recorded during the site visit. A bat survey recorded no bats / bat activity, noting that the site is of low suitability. Impacts on aquatic species are unlikely given the lack of suitable habitats on the site or its immediate vicinity. Some species may occur downstream in the Santry river.

### Likely Construction Effects

#### On Designated Sites

- The AA Screening Report concludes that there are no likely significant effects on any European sites.
- There is potential for surface water run-off containing silt and/or pollutants to have a negative short-term negatively impact on Santry Demesne pNHA and the protected plant species therein.
- The potential for surface water to cause significant effects at North Dublin Bay pNHA is described as negligible due to separation distance and potential for effect of dilution in the Santry River and Dublin Bay. Impacts on other pNHA's are ruled out due to separation distance, marine buffer or absence of hydrological or alternative pathway.

#### On Habitats and Flora

- Clearance of sections of boundary hedgerow will have slight negative impacts due to loss of habitat connectivity and breeding bird habitat.
- There will be short-term slight impact from loss of sections of Dry meadows and Grassy Verges / Recolonising bare ground which act as 'biodiversity islands'.
- There is a potential *negative short-term, moderate* impact on the Santry River during construction via surface water run-off containing silt and/or pollutant.

#### On Fauna

- Local impact on small mammals may arise due to loss of hedgerows and entrapment and injury or death during construction.
- Noise and dust generation has the potential to cause *negative, short-term, moderate* disturbance impacts.

- Short-term noise and vibration disturbance of breeding birds. Given the low levels of bird activity, impacts in this regard would be low.
- Temporary disturbance from increased lighting.
- Surface water discharge could result in *negative, short-term moderate* impact on fish and otters using the Santry river.
- Negligible impact due to loss of bat habitat for roosting, foraging and commuting.
- Hedgerow clearance during the nesting season would represent a potential significant impact on breeding birds.

#### Operational Effects:

- Negative impacts on pNHAs and to the Santry River or on Otter occurring in the river, are not anticipated due to the surface water management measures.
- Landscaping and planting design will have a positive impact on overall habitat quality and fauna in the area.
- Increased lighting will have a slight negative impact locally.
- The overall impact on bat species is negligible and potential for bird collision is not considered to be significant.
- No significant effects on bird species or fish are anticipated.

#### Mitigation Measures

- Existing low ecological value of the site.
- Short-term nature of construction activities and implementation of the Construction Environmental Management Plan, including a Dust Management Plan and Noise Abatement Plan.
- Standard measures to protect surface waters during construction and separation from Dublin Bay and potential dilution effects.
- Habitat management for small mammals.
- Measures to prevent the introduction of invasive or and other non-native species.
- Design and operation of the operational surface water management system.
- Timing of vegetation clearance works.
- Retention and protection of trees along the eastern and western site boundaries.
- Implementation of the planting and landscaping plan to improve habitats and local biodiversity increase insect abundance.

- Implement identified bat mitigation measures including lighting design installation of bat boxes around the site.
- Treatment of balcony glazing to address potential bird collision risk.

#### Cumulative Effects

Other proposed developments considered for possible cumulative effects include development at Northwood Avenue (ABP Ref: ABP- 306075), Santry Place (2713/17 and Ref 2737/19) and the former Swiss Cottage site (Ref 4211/15). No significant cumulative effects are identified in the EIAR. Having regard to the brownfield nature of the subject site and now completed state of the adjacent development sites, significant cumulative effects are not considered likely.

#### Residual Impacts

No significant negative residual impacts on the local ecology or on any designated nature conservation sites are anticipated.

#### Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Biodiversity.

#### 11.6.3. Chapter 6: Land, Soil and Geology

##### Likely Effects:

- The EIAR reports no known areas of soil contamination on the site. Buildings to be demolished may contain hazardous material.
- There is potential for erosion and generation of sediment-laden runoff during construction as well as dust generation during dry weather.
- While the underlying aquifer is of low vulnerability, excavation works may temporarily increase vulnerability and there is a risk of accidental pollution from spills and leaks during construction.

- Potential impacts on human health arise due to dust emissions and potential construction accidents & disasters involving soils.
- At operational stage, there is potential for accidental loss / spill of fuels or other contaminants to the underlying soil and groundwater.

#### Mitigation Measures

- Implementation of the Construction & Environmental Management Plan (CEMP), including measures to prevent spillages to ground and a dust management plan.
- Implementation of a construction traffic management plan.
- Capture and treatment of sediment laden surface water runoff.
- Removal of any hazardous material identified during demolition by specialist contractors following the correct procedures.
- Management of excavations and stockpiles / material storage.
- Imported fill to be clean and of reputable origin.
- Operational surface water management including use of interceptors.

#### Monitoring

- Adherence to the CEMP and monitoring of construction works and stockpile management.
- Inspection of fuel / oil storage areas.
- Monitoring cleanliness of adjacent road network, implementation of dust suppression and provision of vehicle wheel wash facilities.
- Monitoring of sediment control measures.
- Dust monitoring (refer section 12.6.5, Chapter 8)

No significant residual impacts at operational stage are likely.

#### Cumulative Impacts

Due to the lack of significant residual impacts, the EIAR does not identify significant cumulative impacts. I note that development at the adjacent Santry Place and Swiss Cottage sites is complete at this time.

#### Conclusion

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Land, Soils and Geology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land, Soils and Geology.

#### 11.6.4. Chapter 7: Water

##### Likely Effects

##### Construction effects:

- Silt laden or contaminated surface water runoff, or discharge from excavations and vehicle wheelwash facilities, reaching water bodies.
- Spillages including fuels and oils or concrete runoff contaminating the surrounding surface water and hydrogeological environments.
- Improper drainage or connections from the construction compound impacting on hydrology or water supplies.

##### Operational Effects:

- Accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network (e.g. along roads and in driveway areas).
- Reduced ground water recharge due to increased impermeable surface area and potentially increased surface water runoff.
- Increased discharge to foul drainage network and potable water consumption.

##### Mitigation:

##### Construction

- Implementation of a site-specific Construction Environmental Management Plan.
- Surface water management, including the capture and treatment of contaminated / sediment laden runoff prior to discharge at a controlled rate.
- Planning of site stripping and excavations to take account of weather conditions.
- Siting and management of contaminating materials and refuelling activities.
- Concrete batching and wash out of concrete trucks off site.



- Provision of construction staff welfare facilities and management of foul drainage and potable water supply.

#### Operational

- Extent of existing hard surface / standing across the site.
- Attenuation of surface water run-off to greenfield rates and implementation of a SUDS strategy with an allowance for climate change, reducing peak discharge.
- SUDS measures will improve overall storm water quality prior to discharge.
- Site levels to avoid concentrating surface water flow in any particular location and design of overland flow paths for exceedance events.
- A maintenance contract for the attenuation system, Hydrobrake and by-pass fuel / oil separator.

#### Monitoring

- Adherence to Construction Environmental Management Plan, including inspection of fuel / oil storage areas, monitoring of adjacent road network, implementation of dust suppression and vehicle wheel wash facilities.
- Water quality monitoring and monitoring of sediment control at the outfall.
- An inspection and maintenance contract for the proposed fuel / oil separators, hydrobrakes, SuDS and attenuation facilities.

No significant cumulative impacts on surface water infrastructure or potable water infrastructure are anticipated.

No significant residual impacts are predicted.

#### Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Water would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Water.

#### 11.6.5. Chapter 8 Air Quality and Climate

The EIAR reports that 2019 EPA Air Quality monitoring report for the region indicates that NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> values are below the relevant reference values. No specific monitoring data for Santry is referenced. In terms of receptor sensitivity to dust soiling, the EIAR describes approximately 38 no. high-sensitivity residential properties within 100m of the main works area. The closest residential property appears to be the former post office immediately north of the site on Santry Avenue. Based on the IAQM criteria, the sensitivity of the area to dust soiling and sensitivity in terms of human health is described as low.

#### Likely Effects:

##### Construction

- Dust emissions, PM<sub>10</sub>/PM<sub>2.5</sub>, and potential nuisance dust, with potential short-term, negative effects on nearby sensitive receptors and human health.
- Emissions from construction traffic may also impact on air quality in the short-term. In the context of the adjoining road network the impact is not regarded as significant.
- Potential impacts on climate from construction traffic and emissions from plant generators etc.

##### Operational

- Average NO<sub>2</sub> and PM<sub>10</sub> concentrations in opening year and 2037 are predicted to be below limit values, with negligible increases over baseline levels.
- The impact on local ambient air quality is described as long-term, negative and imperceptible.
- The effect on Santry Demesne pNHA in terms of NO<sub>x</sub> concentrations and NO<sub>2</sub> dry deposition rate is described as negative, long-term and imperceptible.
- A flood risk assessment concludes that impacts will be negligible.
- Operational greenhouse gas emissions will have imperceptible climate impacts.
- Modelling of traffic emissions indicates that levels of all pollutants fall below the ambient air quality standards set for the protection of human health.

#### Mitigation:

- The short-term nature of construction activity

- Implementation and ongoing monitoring of the Dust Management Plan, as part of the Construction Environmental Management Plan (CEMP).
- Where dust nuisance occurs outside the site boundary, activities would be curtailed and procedures implemented to rectify the problem.
- Site-specific mitigation measures include on-site vehicle management and minimising waste materials to reduce the embodied carbon footprint.
- Design of surface water management accounts for the effects of climate change.
- The design aims to be Near Zero – Energy Building / a BER of A3, including consideration of solar power and provision of electric vehicle charging points.

#### Cumulative impacts

- The EIAR refers to potential cumulative dust related construction with other developments within 350m, however, I note that adjacent permitted developments have been completed. Subject to the identified mitigation measures, significant cumulative dust impacts are not predicted.
- Due to the short-term duration of construction and low potential for significant CO<sub>2</sub> and N<sub>2</sub>O emissions, no significant cumulative impacts are predicted.
- The cumulative traffic impact on air quality and climate with existing and permitted developments is predicted to be long-term, negative and imperceptible.

#### Residual Impacts:

No significant Air quality or Climatic impacts are predicted. Compliance with EU ambient air quality legislative limit values, based on the protection of human health, will ensure that the no significant construction impacts on human health are likely.

#### Monitoring

Monitoring of construction dust deposition along the site boundary to nearby sensitive receptors during the construction phase.

#### Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Air Quality

and Climate would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Air Quality and Climate.

#### 11.6.6. Chapter 9: Noise

Noise surveys were carried out in July 2020. Having regard to the extent of public health restrictions then in place, it is likely that the noise environment recorded was relatively quieter compared with the same period in preceding years. To correct for this variation, the assessment adds 3dB to the measured daytime noise levels.

##### Likely Effects

The EIAR predicts typical noise levels using guidance set out in BS 5228-1:2009+A1:2014, based on typical plant items and associated noise levels for various phases of construction. It is advised that initial site investigations indicate that piled foundations will not be required. Based on the baseline noise, appropriate Construction Noise Threshold (CNT) values at sensitive receptors are identified.

Likely impacts identified include:

- At Santry Place, 25m south of major construction areas and at the existing dwelling, 35m from major construction areas, it is expected that there will be a negative, moderate to significant and short-term impact, without mitigation.
- Across the Swords Road, 35m east of areas of major construction, it is expected that there will be a negative, moderate and short-term impact without mitigation.
- Predicted noise levels at the commercial units to the west of the site are below the relevant threshold values and a significant impact is not predicted.
- At greater distances, predicted construction noise levels are lower, therefore any impact is expected to be negative, moderate and short-term.
- The predicted noise level associated with construction traffic is below the construction noise threshold and the prevailing noise levels on adjoining roads, resulting in a slight negative and short-term impact.
- Vibration levels at the closest neighbouring buildings are predicted to be below the reference limit values but with potential to emit perceptible vibration levels.

- Operational plant will be designed and controlled to avoid adverse effects on sensitive receptors, including dwellings within the development.
- Operational traffic will have negligible impacts on the noise environment.

#### Inward noise:

- Predicted noise levels within the site are higher along the regional road frontages due to the impact of road traffic noise.
- External noise levels within the majority of communal open spaces are within the recommended range of noise levels.
- In terms of aircraft noise, the location in aircraft noise Zone D does not create potential for noise impacts as the predicted worst case aircraft noise levels are below prevailing traffic dominated noise levels across the site.

#### Mitigation:

- Adherence to relevant standards for control of noise and vibration on construction sites.
- Noise control measures include the timing and phasing of works, selection of quiet plant, enclosure and screening of noise sources, construction working hours.
- Construction site hoarding of sufficient density to provide adequate sound insulation.
- Noise monitoring in accordance with ISO standards, at the nearest noise sensitive locations to check compliance with the construction noise criterion.
- Identified building facades will be provided with glazing and ventilation that achieves the minimum sound insulation performance requirements.

#### Residual Impacts:

Construction noise and vibration will have a negative, moderate to significant and short-term impact on the surrounding environment. Operational impacts on nearby sensitive receptors are long-term imperceptible.

#### Cumulative Impacts

The EIAR refers to possible cumulative impacts with concurrent activity with the adjoining development site to the south. I note, however, that the permitted Santry Place and Swiss Cottage developments are complete at this time. Potential

cumulative operational traffic impacts are not regarded as significant. Any future large-scale projects not yet proposed or permitted would also be the subject to assessment to ensure that no significant noise and vibration impacts occur.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Noise would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Noise.

#### 11.6.7. Chapter 10: Material Assets: Built Services

Likely Effects:

- Connection to utilities, including gas networks and telecoms, may result in temporary interruption of services. Such impacts would be temporary negligible.
- Accidental hydrocarbon leaks and discharge to surface water drainage network.
- Reduced local ground water recharge and potentially increased run-off.
- Increased discharge to foul drainage and increased potable water consumption.
- Increased demands on power and telecommunications networks.

Mitigation

- Extent of the existing site under hard standing / surfaces.
- Implementation of a detailed Construction Environmental Management Plan.
- Liaison with the relevant utility providers prior to works commencing and compliance with their requirements or guidelines for all works.
- Adherence to the requirements of Irish Water.
- Preparation of works Method Statement.
- Implement measures to avoid interruptions to existing services unless agreed with the relevant service provider and users notified in advance.
- Surface water drainage design to maintain flows at greenfield run-off rates and use of SUDS features and water conservation methods within the design.

Monitoring

- All internal water and drainage services will be monitored and routinely inspected by the local authority / management firm, with maintenance as required.
- Water supply and foul drainage connections will be maintained by Irish Water.
- Dublin City Council will maintain public surface water drainage connections and sewers.

Residual Effects:

- There will be increased demand on power and telecommunications supplies.
- The use of sustainable urban drainage features will improve overall storm water quality prior to ultimate discharge.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets, Built Services would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets, Built Services.

11.6.8. Chapter 11: Material Assets: Transportation

Likely Effects:

- Construction activity and employee movements will impact on the surrounding road network over the phased construction period of approx. 24 months.
- Peak HGV movements will be generated during initial site clearance and basement excavation.
- Additional vehicle movements and public transport demands at operational stage.
- It is assumed that the non-residential uses will not give rise to material levels of additional traffic.
- The impact on adjacent junctions in future design years is not predicted to be significant.

Mitigation:

- The brownfield nature of the lands and existing operational traffic generation.
- Implementation of an agreed Construction Traffic Management Plan and the management and dispersion of construction trips over the course of the day.
- On-site construction parking to prevent over-spill on adjoining roads.
- Location in a serviced urban area proximate to existing and proposed public transport services.
- Implementation of a Mobility Management Plan to encourage sustainable travel practices.
- A Car Parking Management Strategy and provision of car share spaces.
- Provision of secure cycle parking.
- Provision of dedicated pedestrian footpaths and cycle paths.

#### Monitoring:

- Compliance with the measures identified in the CTMP.
- Bi-annual post occupancy surveys in order to determine the success of the measures and initiatives as set out in the proposed MMP document.

#### Cumulative effects

Cumulative effects with adjoining committed developments were considered in the assessment of traffic impacts.

#### Residual Impacts:

No significant residual effects are predicted.

The Do-nothing scenario is referenced in the EIAR in terms of the existing environment at this location, however, this scenario also potentially results in development occurring further from the existing built-up area, contributing to sprawl and more unsustainable transport movements.

#### Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets, Transportation would be avoided, managed and mitigated by the measures



which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets, Transportation.

#### 11.6.9. Chapter 12: Material Assets: Resource and Waste Management

##### Likely Effects

- Short-term, significant and negative effects from the generation of non-hazardous and hazardous waste materials during demolition, excavation and construction, requiring management.
- Excavated materials (c. 20,000 m<sup>3</sup>) will be removed for reuse / disposal off-site.
- The use of non-permitted waste contractors or unauthorised waste facilities would be likely to give rise to long-term, significant and negative impacts.
- Improper operational waste storage and management has the potential to give rise to significant negative health and litter impacts.

##### Mitigation:

- Adherence to an agreed C&D WMP, including on-site management of waste.
- Correct classification and documentation of materials to be removed off site.
- There is currently sufficient authorised capacity in the region for the likely C&D waste arising.
- Implementation of the Operational Waste Management Plan which provides a strategy for segregation, storage and collection of all wastes generated.

##### Monitoring:

- The Operator / Buildings Manager will be responsible for monitoring of waste management to ensure compliance with the WMP and statutory requirements.

##### Cumulative effects:

Cumulative effects with other developments in the area will be short-term, not significant. An increased density of development in the area is likely improve the efficiencies of operational waste.

No significant residual effects are considered likely.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets, Resource and Waste Management would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets, Resource and Waste Management.

#### 11.6.10. Chapter 13 Archaeology and Cultural Heritage

Likely Effects

- The development will not impact directly or indirectly upon any previously recorded site or monument listed in the RMP or the RPS.
- The eastern part of the site has a moderate archaeological potential. No archaeological remains were identified in the monitoring works for the site to the south in 2019.
- Potential significant impact on previously unidentified subsurface archaeological remains that may survive on the site.

The EIAR does not consider potential impacts on the architectural character or setting of St. Pappan's Church. The church and holy well are protected structures, and within a Conservation Area, The church and graveyard monuments are identified in the NIAH as being of Regional Significance. As noted above, having regard to the location of the application site relative to this structure and the nature of existing buildings adjoining the site of the church, I do not consider that significant effects on its character or setting would arise in this regard.

I note also the presence of the low-rise modernist industrial building on the application site, which is not a protected structure, and the report of the Dublin City Council Conservation Officer in relation thereto. The structure is of interest and its removal will have a permanent negative effect on architectural heritage, however, I

consider the recommendation of the planning authority to create a record of the building to be a reasonable measure to mitigate its removal.

#### Mitigation

- Archaeological monitoring during the removal of the concrete layer on the site.
- Any features encountered during the monitoring programme should be tested, and if archaeological, fully excavated by hand to preserve them by record.
- Allow time between the monitoring works and any construction or service laying. If significant archaeology is uncovered a revised mitigation plan may be agreed with the City Archaeologist and National Monuments Service.
- Submit a report on the monitoring programme to the City Archaeologist and National Monuments Service.
- Preparation of an Architectural Heritage Assessment and record of the existing mid-20<sup>th</sup> c structures on the site.

#### Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that the impacts predicted to arise in relation to Archaeology and Cultural Heritage would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Archaeology and Cultural Heritage.

#### 11.6.11. Chapter 14 Landscape

The EIAR describes the sensitivity of the site and receiving environment as medium. There are no protected views or Architectural Conservation Areas (ACAs) relevant to the subject site.

#### Likely impacts:

- Construction activity and structures will have a negative, moderate and short-term impact on landscape character and on views.
- Hedgerow removal will have some minor negative impacts.

- Redevelopment of this industrial site, including a high quality landscaped public realm and permeable amenity spaces, will have a longer-term positive impact.
- The impact on fourteen key views are assessed in the EIAR, including a cumulative assessment with permitted developments in the area. I consider the views selected to be reasonable and generally representative of views from the surrounding area.

The assessed impact on views concludes that the greatest impacts occur on views from Santry Villas / St. Pappan's looking west, from within Santry Demesne and south along the Swords Road, which are described as moderate negative.

I note the changing urban context in this area and do not regard the assessment of landscape and visual impacts as unreasonable. I note that the PA Conservation Officer has not raised any objections to the development in respect of impacts on St. Pappan's Church. The impact on views from Santry Demesne is noted, however, this is not considered to have a significant negative impact, and is not out of character with other existing views on the fringes of, this regional urban park, and reflects the change in the surrounding context.

#### Mitigation

- The brownfield nature of the site and robust nature of the urban environment, and the surrounding pattern of urban redevelopment.
- The zoned nature of the land and the identified need for housing in the region.
- Construction site management and topsoil handing in accordance with BS standards.
- Design and layout of development.
- Design and implementation of open space and landscaping proposals including retention of trees and maintenance and replacement of any planting.

#### Cumulative Impacts

- There will cumulative impacts with adjoining constructed development in this area, particularly on views along Swords Road from the north and south.
- The provision of new, connected landscaped open spaces and improvements to the public realm within this and adjoining developments should make a positive contribution to the emerging townscape and biodiversity of the area.

Residual effects:

- There will be some longer-term positive landscape impacts of redevelopment of this site. Initial negative impacts will reduce as landscaping matures.
- The proposal will make a significant and positive contribution with adjoining developments, to the emerging townscape and future context of the area.
- The network of landscaping and open spaces will contribute to the emerging landscape character, habitats and biodiversity, and amenities of the area.

Monitoring

- Tree protection works will be subject to supervision and landscape works will be monitored post completion. The site will be monitored for invasive species.

Conclusion.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Landscape would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape.

#### 11.6.12. Identification of Significant Impacts / Interactions

The principal interactions can be summarised as follows:

Population & Human Health	Air Quality	Construction activity has the potential to give rise to dust emissions and impact on air quality.  Operational emissions from traffic and plant and equipment will not result in air quality in the region exceeding limit values.  No significant operational impacts are predicted.
Population & Human Health	Noise	Construction activity may give rise to temporary and intermittent noise and vibration impacts. No significant operational impacts are predicted.

Population & Human Health	Water / Material Assets Built Services	There will be increased demands for potable water supply and for wastewater treatment.
Air Quality	Land, Soils, Geology	Exposed soil and stockpiles during excavation and construction works may give rise to increased dust emissions.
Water	Land, Soils Geology / Biodiversity	Silt laden and / or contaminated water run-off during excavation and construction has the potential to impact on water quality and biodiversity.
Material Assets – Resource & Waste Mngt	Water / Biodiversity	<p>Waste has the potential to impact upon biodiversity during the construction phase, by pollution to soils and water and attracting pests / vermin. Mishandling or improper storage of waste has the potential to cause an adverse impact upon water quality through leaching of materials to groundwater or run-off to surface water.</p> <p>Significant operational waste management impacts are not predicted.</p>
Material Assets – Resource & Waste Mngt	Human Beings & Landscape and Visual Amenity	Deficiencies in waste management have potential to impact on human beings through nuisance, including litter / visual, odour and pests, and pollution to soils and water.
Air Quality	Biodiversity	<p>Construction activity can give rise to short-term dust emissions and deposition which may cause local nuisance and disturbance to fauna. Short-term impacts from deposition and as a result of NOx emissions may impact on trees / flora.</p> <p>Proposed vegetation and planting on the site could mitigate operational carbon dioxide emissions.</p>

Air Quality & Climate	Water	Potential dust emissions and deposition could impact on water quality.
Noise	Biodiversity	Construction noise emissions may have short-terms disturbance effects on Biodiversity. There will be no significant increase in ambient noise levels arising during the operational phase.
Landscape	Population and Human Health / Cultural Heritage & Archaeology	There will be impacts on the landscape character and on views in the area. No significant impacts on views of protected structures, or their setting.
Landscape	Biodiversity	The development will have a long-term positive effect through the provision of landscaped areas and increased planting and green space.
Water	Land, Soils, Geology / Waste Management	Surface water runoff during the construction phase may contain contaminants / increased silt levels, particularly during stripping of topsoil / site excavations and exposure of underlying subsoil layers.
Material Assets – Built Services	Water / Land Soils and Geology	Failure to adequately manage surface water runoff may have an effect on hydrogeology.
Material Assets – Resource & Waste Management	Traffic and Transport / Land, Soils and Geology	Waste management and excavation of soil and waste materials for removal off-site will generate traffic movements.
Material Assets – Traffic	Population and Human Health	Construction traffic may give rise to temporary negative impacts due to noise, dust, air quality and visual impacts, and congestion / inconvenience.

		Significant operational traffic impacts are not predicted.
Material Assets – Traffic	Land, soils and Geology / Air Quality	The transport of construction materials to and from the site will generate traffic on the surrounding road network. Increased traffic movements and transport of materials can impact on air quality.
Land, Soils and Geology	Archaeology and Cultural Heritage	Site excavation has the potential to significantly impact on unrecorded features of archaeological interest.

In addition, the following points are noted in the EIAR:

- No likely significant effects on the environment are expected to arise from the use of natural resources or from the emission of pollutants, the creation of nuisances or the elimination of waste.
- The cumulative impact of the development is categorised as neutral, moderate.
- There are no material or significant environmental issues arising which were not anticipated by the Dublin City Development Plan and considered in its SEA.

### **Reasoned Conclusion on the Significant Effects**

Having regard to the examination of environmental information contained above, and in particular to the EIAR and other 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:

Potential for construction activity to give rise to noise impacts on nearby sensitive receptors, which will be mitigated by the following measures:

- The relatively short-term nature of construction activities.
- Implementation of an agreed Construction Management Plan, which shall include a Noise Abatement Plan, and adherence to identified emission limit values.



- Application of Dublin City Council Good Practice Guide for high-risk sites.
- Limiting the hours of construction.
- Noise monitoring at sensitive locations.

Potential impacts on air quality and population & human health from dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan which shall include a Dust Management Plan and adherence to identified emission limit values, and the Construction and Demolition Waste Management Plan.
- Monitoring of dust deposition levels at nearby sensitive receptors during construction.
- Minimising generation of waste materials.

Potential impacts on population and human health from inward noise at operational stage, which will be mitigated by the following measures:

- The achievement of minimum sound insulation performance on identified facades within the proposed development.

Potential significant effects on Landscape and Visual Amenity arising from the redevelopment and change in the use of lands from industrial to commercial and residential use, which will be mitigated by the following measures:

- The brownfield nature of the site within this robust urban environment, and the surrounding pattern of urban redevelopment.
- The zoned nature of the land and the identified need for housing in the region.
- Implementation of the Construction Environmental Management Plan.
- The design of the proposed scheme strengthening the urban character of the area, and the provision and landscaping of open spaces and the public realm.

Potential significant effects on land and soil during construction, which will be mitigated by the following measures:

- Implementation of a Construction Environmental Management Plan, incorporating a dust management plan and Construction Traffic Management Plan.
- Implementation of an agreed Construction and Demolition Waste Management Plan.
- Surface water and sediment control measures in accordance with the CEMP.
- Hazardous material to be identified during demolition of structures and removed following correct procedures.
- Imported fill which will accord with regulatory requirements.

Potential significant indirect effects on Water and Hydrology and on Biodiversity, which will be mitigated by the following measures:

- Implementation of a site-specific Construction Environment Management Plan, including surface water management to control potential emission of sediment or other contaminants from the site and monitoring of discharge.
- Connection to Irish Water networks on completion of identified upgrade works.
- The design and maintenance of the operational storm water management and attenuation system, including SUDS measures.
- Separation from sensitive water bodies and potential for dilution effects.
- Maintenance of overland storm flow routes free of obstruction.

Potential significant effects on population and human health and on traffic and transportation, which will be mitigated by the following measures:

- Implementation of an agreed Construction Traffic Management Plan.
- The central / accessible location and brownfield nature of the site, served by high frequency public transport services.
- Proposed improvements to public transport services in the area as part of Bus Connects.
- Implementation of an agreed Mobility Management Plan to promote sustainable transport modes.
- Implementation of a Car Parking Management Strategy and provision of dedicated car share spaces.

- Provision of pedestrian and cycle facilities.

Potential significant effects on population and human health arising from the demands of the increased residential community at this location, which will be mitigated by the following measures:

- Proximity to a designated district centre at the Omni Park centre and other services and facilities in this area including Santry Demesne regional park.
- Provision for commercial and community / residential amenity uses within the development.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters, and in supplementary reports and documents provided by the applicants, are satisfactory. I am satisfied that the information provided enables the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

## 12.0 AA Screening

### 12.1. Description of the project:

The proposed development comprises the demolition of existing structures on the site and construction of 350 no. apartments, ground floor commercial and community uses and associated amenity spaces. The development is provided in four blocks (A/B, C/D, E/F and G) rising between 7, 10 and 14-storeys over basement car parking. Access is provided from Santry Avenue to the northwest and from Swords Road to the southeast. It is proposed that the development will connect to mains water services and to mains sewerage services which discharge to Ringsend Wastewater Treatment Plant (WWTP). The surface water management system will

discharge attenuated flows to the public storm sewer, via a hydrocarbon interceptor, which in turn discharge to the Santry River. I refer to the more detailed descriptions contained in previous sections of this report.

## 12.2. Description of the site characteristics

The application site comprises a stated area of 1.5ha. The site is generally level and is currently in use as a builder's providers, which use includes a large warehouse type structure, external storage areas and surface car parking. The site is currently provided with vehicular access from Santry Avenue to the north. There is limited landscaping / vegetation along the edges of the site, which is almost entirely under hard surface or buildings, and it is of low ecological value. The application is accompanied by an AA screening report which identifies habitats on the site as comprising Buildings and Artificial Surfaces, Hedgerows, Treelines and mosaics of recolonising bare ground and dry meadows and grassy verges. The underlying aquifer is moderately productive only in local zones, of low vulnerability.

Lands to the west are in light industrial use while lands to the south have recently been redeveloped for residential purposes, with blocks of up to 7-storeys in height. To the east, across the Swords Road, lands are in a mixture of local commercial uses and residential uses, comprising a mixture of two-storey housing and a more recent 6-storey apartment development. Santry Avenue comprises the boundary between the administrative areas of Dublin City Council and Fingal County Council. Santry Demesne, a regional park, occupies lands to the north and the Santry River flows west-east through this park and under the Swords Road approx. 650m north of the site. The Santry River flows into the North Bull Island transitional waterbody, approx. 6.5km downstream of Santry Demesne. The AA screening report notes that the river was assigned a Q-value of 2-3 (Poor Status) in the 2019 EPA monitoring survey and is At Risk of not meeting its Water Framework Directive (WFD) status objectives.

## 12.3. Relevant prescribed bodies consulted:

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. The planning application was referred to the following prescribed bodies.

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

I note that none of the submissions received from the prescribed bodies in response to the referrals raised issues in relation to ecology or biodiversity.

#### 12.4. Identification of relevant Natura 2000 sites.

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites.

The screening assessment report states that in adopting a conservative approach, all European sites within a 15km radius were considered with regard to whether they were within the zone of influence (ZOI) of the development, as well as all Natura sites within 15km of the outfall point at Ringsend wastewater treatment plant. Where pathways for potential significant effects are identified, the sites are included within the Zone of Influence of the proposed development.

It is also states that Natura 2000 sites outside of this 15km radius are either located a considerable physical distance inland, separated by a substantial marine buffer; and/or located within different surface water catchment zones. It concludes therefore that there is no potential connectivity between the development site and European Sites located > 15km away. This conclusion is considered to be reasonable.

The report therefore identifies eight SACs and seven SPAs within the ZOI of the development Site, and ten SACs and eight SPAs within the ZOI of the outfall point at Ringsend wastewater treatment plant. These are set out below.

The relevant sites are identified below:

Site	Qualifying Interests ( *= priority habitats) & Status1	Conservation Objectives	Km to site	Km to WWTP
<b>SAC</b>				
North Dublin Bay SAC (000206)	[1140] Tidal Mudflats and Sandflats [1210] Annual Vegetation of Drift Lines [1310] Salicornia Mud [1330] Atlantic Salt Meadows [1410] Mediterranean Salt Meadows [2110] Embryonic Shifting Dunes [2120] Marram Dunes (White Dunes) [2130] Fixed Dunes (Grey Dunes)* [2190] Humid Dune Slacks [1395] Petalwort ( <i>Petalophyllum ralfsii</i> )	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and the Annex II species for which the SAC has been selected.	5.8km	1.7km
Baldoyle Bay SAC (000199)	[1140] Tidal Mudflats and Sandflats [1310] Salicornia Mud [1330] Atlantic Salt Meadows [1410] Mediterranean Salt Meadows	To maintain the favourable conservation condition of the Annex I habitat(s) and the Annex II species for which the SAC has been selected.	6.9 km	7.2 km
South Dublin	[1140] Tidal Mudflats and Sandflats	To maintain or restore the favourable	7 km	0.2 km

Bay SAC (001266)	[1210] Annual vegetation of drift lines [1310] Salicornia and other annuals colonising mud and sand [2110] Embryonic shifting dunes	conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.		
Malahide Estuary SAC (001232)	1140] Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1410] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)*	To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.	7.8 km	11.1 km
Howth Head SAC (000202)	1230] Vegetated Sea Cliffs of the Atlantic and Baltic coasts [4030] Dry Heath	To maintain the favourable conservation condition of the Annex I habitat(s) and the Annex II species for which the SAC has been selected.	10.2 km	6.6 km
Rockabill to Dalkey Island SAC (003000)	1170] Reefs [1351] Harbour Porpoise ( <i>Phocoena phocoena</i> )	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for	10.9 km	6.2 km

		which the SAC has been selected.		
Ireland's Eye SAC (002193)	[1220] Perennial vegetation of stony banks [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts	To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.	11.7 km	10.4 km
Rogerstown Estuary SAC (000208)	[1130] Estuaries [1140] Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonising mud and sand [1330] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> ) [1410] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)*	To maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected.	11.7 km	>15 km
Wicklow Mountains SAC (002122)	[3110] Oligotrophic Waters containing very few minerals [3130] Mixed <i>Najas flexilis</i> lake habitat [3160] Dystrophic Lakes [4010] Wet Heath [4030] Dry Heath [4060] Alpine and Subalpine Heaths [6130] Calaminarian Grassland	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.	>15 km	13.3 km



	<p>[6230] Species-rich Nardus Grassland*</p> <p>[7130] Blanket Bogs (Active)*</p> <p>[8110] Siliceous Scree</p> <p>[8210] Calcareous Rocky Slopes</p> <p>[8220] Siliceous Rocky Slopes</p> <p>[91A0] Old Oak Woodlands</p> <p>[1355] Otter (Lutra lutra)</p>			
Knocksink Wood SAC (000725)	<p>[7220] Petrifying Springs*</p> <p>[91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>[91E0] Alluvial Forests*</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:	>15 km	14.4 km
Ballyman Glen SAC (000713)	<p>[7220] Petrifying springs with tufa formation (Cratoneurion)*</p> <p>[7230] Alkaline fens</p>	To restore the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected:	>15 km	14.9 km
<b>SPA</b>				
South Dublin Bay and River Tolka	<p>[A046] Light-bellied Brent Goose Branta bernicla hrota</p> <p>[A130] Oystercatcher Haematopus ostralegus</p> <p>[A137] Ringed Plover Charadrius hiaticula</p>	To maintain or restore the favourable conservation condition of the Annex I	4.1 km	0.2 km

<p>Estuary SPA (004024)</p>	<p>[A141] Grey Plover <i>Pluvialis squatarola</i>  [A143] Knot <i>Calidris canutus</i>  [A144] Sanderling <i>Calidris alba</i>  [A149] Dunlin <i>Calidris alpina alpina</i>  [A157] Bar-tailed Godwit <i>Limosa lapponica</i>  [A162] Redshank <i>Tringa totanus</i>  [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i>  [A192] Roseate Tern <i>Sterna dougallii</i>  [A193] Common Tern <i>Sterna hirundo</i>  [A194] Arctic Tern <i>Sterna paradisaea</i>  [A999] Wetlands</p>	<p>habitat(s) and the Annex II species for which the SPA has been selected</p>		
<p>North Bull Island SPA (004006)</p>	<p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i>  [A048] Shelduck <i>Tadorna tadorna</i>  [A052] Teal <i>Anas crecca</i>  [A054] Pintail <i>Anas acuta</i>  [A056] Shoveler <i>Anas clypeata</i>  [A130] Oystercatcher <i>Haematopus ostralegus</i>  [A140] Golden Plover <i>Pluvialis apricaria</i>  [A141] Grey Plover <i>Pluvialis squatarola</i>  [A143] Knot <i>Calidris canutus</i>  [A144] Sanderling <i>Calidris alba</i>  [A149] Dunlin <i>Calidris alpina alpina</i></p>	<p>To maintain the favourable conservation condition of the Annex II species for which the SPA has been selected.</p> <p>To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring</p>	<p>5.8 km</p>	<p>1.7 km</p>

	<p>[A156] Black-tailed Godwit <i>Limosa limosa</i>  [A157] Bar-tailed Godwit <i>Limosa lapponica</i>  [A160] Curlew <i>Numenius arquata</i>  [A162] Redshank <i>Tringa totanus</i>  [A169] Turnstone <i>Arenaria interpres</i>  [A179] Black-headed Gull <i>Chroicocephalus ridibundus</i>  [A999] Wetlands</p>	migratory waterbirds that utilise it.		
Baldoyle Bay SPA (004016)	<p>A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i>  [A048] Shelduck <i>Tadorna tadorna</i>  [A137] Ringed Plover <i>Charadrius hiaticula</i>  [A140] Golden Plover <i>Pluvialis apricaria</i>  [A141] Grey Plover <i>Pluvialis squatarola</i>  [A157] Bar-tailed Godwit <i>Limosa lapponica</i>  [A999] Wetlands</p>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected:	7.2 km	7.2 km
Malahide Estuary SPA (004025)	<p>[A005] Great Crested Grebe <i>Podiceps cristatus</i>  [A046] Brent Goose <i>Branta bernicla hrota</i>  [A048] Shelduck <i>Tadorna tadorna</i>  [A054] Pintail <i>Anas acuta</i>  [A067] Goldeneye <i>Bucephala clangula</i>  [A069] Red-breasted Merganser <i>Mergus serrator</i>  [A130] Oystercatcher <i>Haematopus ostralegus</i>  [A140] Golden Plover <i>Pluvialis apricaria</i></p>	<p>To maintain the favourable conservation condition of the Annex II species for which the SPA has been selected.</p> <p>To maintain the favourable conservation condition of the wetland habitat</p>	7.8 km	11.8 km

	<p>[A141] Grey Plover <i>Pluvialis squatarola</i>  [A143] Knot <i>Calidris canutus</i>  [A149] Dunlin <i>Calidris alpina alpina</i>  [A156] Black-tailed Godwit <i>Limosa limosa</i>  [A157] Bar-tailed Godwit <i>Limosa lapponica</i>  [A162] Redshank <i>Tringa totanus</i>  [A999] Wetlands</p>	as a resource for the regularly occurring migratory waterbirds that utilise it.		
Ireland's Eye SPA (004117)	<p>A017] Cormorant <i>Phalacrocorax carbo</i>  [A184] Herring Gull <i>Larus argentatus</i>  [A188] Kittiwake <i>Rissa tridactyla</i>  [A199] Guillemot <i>Uria aalge</i>  [A200] Razorbill <i>Alca torda</i></p>	To maintain the favourable conservation condition of the Annex II species for which the SPA has been selected.	11.5 km	10.1 km
Rogerstown Estuary SPA (004015)	<p>[A043] Greylag Goose <i>Anser anser</i>  [A046] Brent Goose <i>Branta bernicla hrota</i>  [A048] Shelduck <i>Tadorna tadorna</i>  [A056] Shoveler <i>Anas clypeata</i>  [A130] Oystercatcher <i>Haematopus ostralegus</i>  [A137] Ringed Plover <i>Charadrius hiaticula</i>  [A141] Grey Plover <i>Pluvialis squatarola</i>  [A143] Knot <i>Calidris canutus</i>  [A149] Dunlin <i>Calidris alpina alpina</i>  [A156] Black-tailed Godwit <i>Limosa limosa</i></p>	<p>To maintain the favourable conservation condition of the Annex II species for which the SPA has been selected.</p> <p>To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring</p>	12.1 km	>15 km

	[A162] Redshank <i>Tringa totanus</i> [A999] Wetlands	migratory waterbirds that utilise it.		
Howth Head Coast SPA (004113)	A188] Kittiwake <i>Rissa tridactyla</i>	To maintain the favourable conservation condition of the Annex II species for which the SPA has been selected.	12.6 km	8.9 km
Dalkey Islands SPA (004172)	A192] Roseate Tern <i>Sterna dougallii</i> [A193] Common Tern <i>Sterna hirundo</i> [A194] Arctic Tern <i>Sterna paradisaea</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	>15 km	9.0 km
Wicklow Mountains SPA (004040)	[A098] Merlin <i>Falco columbarius</i> [A103] Peregrine <i>Falco peregrinus</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	>15 km	13.5 km

The application site is not located within or adjacent to any European site. A potential hydrological connection arises in the form of surface water run-off and storm overflows to the Santry River at construction and operational stages. The Santry River discharges to the sea at Clontarf, within the North Dublin Bay SAC and North Bull Island SPA. Beyond these sites, there is a hydrological connection to other European sites, however, these would be at greater remove and subject to further dilution effects within the bay such that significant effects from the proposed development are not considered likely.

Similarly, I note that a number of the sites identified above are at a significant remove from the application site and in respect of which there is no pathway or connection which could give rise to significant effects on the conservation objectives of those sites.

I would therefore consider that the sites of primary concern in this case would be

- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)
- South Dublin Bay SAC

#### 12.5. Assessment of Likely Significant Effects

The Screening Report considers the potential for significant effects from the proposed development at construction and operational stage in respect of the following:

- Habitat loss or alteration
- Habitat/species fragmentation
- Disturbance and/or displacement of species
- Changes in water quality and resource
- Changes in population density

These criteria are considered to satisfactorily capture the potential effects of the proposed development on European sites.

The proposed development is not directly connected with or necessary to the management of any Natura 2000 site. The development will not result in any direct loss of habitat within Natura 2000 sites or give rise to potential for habitat fragmentation. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites.

The habitats within or adjoining this brownfield site are not of value for qualifying species of the identified Natura 2000 sites, and do not provide suitable roosting or foraging grounds. Surveys of the site were undertaken in May 2021. One Herring Gull was recorded, which species is a qualifying species for Irelands Eye SPA, approx. 15.5km from the site. This is recorded as a flyover rather than use of the site. No significant numbers of such species were recorded.

Santry Demesne is approx. 6km from coastal sites and is not recorded as hosting wintering birds which are qualifying species for European Sites. No ex-situ impacts on qualifying species are therefore considered likely. Having regard to the separation distance from European Sites and the lack of habitats for qualifying species on the site, or the use of lands in the area by qualifying species, it is not considered that the proposed development gives rise to a risk of significant effects due to collision of qualifying bird species with buildings.

In terms of changes in water quality and resource, a potential hydrological connection arises in the form of surface water run-off and storm overflows to the Santry River at construction and operational stages.

- i) Potential release of sediment, silt or other contaminants to surface waters during construction:

In terms of overland flows, I note the distance of approx. 700m separating the site from the watercourse and the intervening environment, and do not regard overland flow to the river as a likely pathway. The more likely potential pathway is via discharge to the surface water drainage network.

The AA screening report describes the potential for significant impacts on European Site as a result of surface water flows containing, silts and/or pollutants, during both the construction and operational stages of the development as negligible, due to the

downstream separation distance of over 6km and consequent dilution potential within the Santry River and Dublin Bay. There is also potential for dilution in the surface water network during heavy rainfall events. This conclusion is regarded as reasonable having regard to the separation distance arising and the relatively small contribution of the development site to the catchment of this watercourse. In addition, I note the temporary nature of construction activity such that significant effects from surface water discharges are not anticipated.

The screening report refers to measures in the CEMP to ensure that no contaminated waters produced during construction leave the site reach Natura 2000 sites in Dublin Bay and cause significant effects to water quality and/or resource. This is referenced as best practise construction methodology. It is advised that the discharge to a sewer of groundwater encountered during basement excavation will require, a separate licence / consent under Section 16 of the Local Government (Water Pollution) Acts and Regulations, which would be subject to conditions regarding the flow, quality and monitoring.

Notwithstanding the measures outlined in the CEMP, having regard to the relatively low volume of surface water run-off or discharge from the site to the receiving surface water and marine environments, the separation distance and the level of mixing, dilution and dispersion of any surface water run-off/discharges in the receiving watercourses and marine body, it is not considered that significant effects on European sites are likely.

ii) Potential effects from surface water discharge at operational stage

I note the development plan requirement, in line with the provisions of the Greater Dublin Strategic Drainage Strategy, for the implementation of operational SUDS measures in all new developments. While such measures are not intended to avoid or reduce the harmful effects of a project on a European site, they will reduce peak flow rates and the likelihood of suspended solids or hydrocarbons entering the water system.

These measures are noted in the Screening Report however, the report is clear that they are not included as a measure to mitigate potential impacts on European Site. Notwithstanding the design of the surface water management system, for the



reasons identified in respect of potential release of silt and contaminants during construction, namely separation distance and potential dilution effects, significant impacts on Natura 2000 sites, are not considered likely.

iii) Potential increase in the Discharges from Ringsend WWTP

There is also a potential pathway to European sites via the Ringsend wastewater treatment plant, which plant operates under an EPA licence. The effect of an estimated increase in load of 950 Population Equivalent (PE) is described in the screening report as insignificant in terms of the overall scale of the WWTP. This increased load does not have the capacity to alter the quality of effluent from the plant to such an extent as to result in likely significant effects on the SACs and SPAs, to which it is connected hydrologically. In addition, I note that upgrade works are currently on-going at the plant to increase the capacity of the facility from 1.6 million PE to 2.4 million PE and which will result in an overall reduction of several parameters in the final effluent discharge from the facility.

Irish Water have identified network capacity upgrades required to facilitate the proposed development; however, these are understood to relate to the intervening network rather than treatment capacities at Ringsend WWTP.

With regard to changes in Population Density, having regard to the conclusions above regarding the lack of significant effects on water quality and resources, the screening report concludes that the development does not have the capacity to cause any reduction in the baseline population of qualifying species of any Natura 2000 site. This conclusion is regarded as reasonable.

## 12.6. Potential In-combination Effects

In assessing potential in-combination effects, the screening report identifies the following permitted developments in the area:

- ABP Ref: ABP-306075-19 Northwood Avenue: Permission granted in March 2020 for 331 no apartments in 4 no. 8-storey blocks, approx. 1km northwest of

the application site. Screening undertaken in this case concluded that significant effects on any European site were not likely.

#### Santry Place:

- PA ref. 2713/17: Permission granted in March 2018 for a mixed-use development providing 137 no. residential units, retail / commercial units and commercial offices in 4 and 5-storey blocks. Screening undertaken concluded that AA was not required.
- Ref 2737/19: Permission granted in August 2019 for modifications to PA ref. Ref. 2713/17, to increase the height of permitted blocks, increase the number of apartments to 207 no. units, reduce office floorspace and provide a community use was in compliance with condition no. 3 of PA Ref. 2713/17. Screening undertaken in this case concluded that significant effects on any European site were not likely. This development is complete.

#### Former Swiss Cottage Bar and Restaurant:

- PA ref 4211/15: Permission granted for demolition of the former Swiss Cottage Bar and Restaurant and the construction of a 3-storey mixed use retail, commercial and office structure, including discount foodstore. Screening undertaken concluded that AA was not required.
- ABP-303358-19: Permission granted for demolition of the former Swiss Cottage public house and construction of 110 BTR residential units ranging in height from 3 to 6 no. storeys (20.9m) over partial basement level, and 3 no. ground floor commercial units. Screening undertaken concluded that significant effects on European site were not likely. This development is complete.
- ABP-306987-20: Permission for 120 apartments and associated site works on the former Swiss Cottage lands to the east of the application site with building heights ranging from 3 to 7 storeys, at a density of 250 units per hectare. The development was to amend and supersede that permitted under ABP-303358-19. AA screening concluded that significant effects on any European site were not likely.

#### Omni Park:

- ABP-307011-20: Permission for the demolition of existing structures, construction of 324 apartments, creche and associated site works on lands to the northeast of

Omni Park Shopping Centre, approx. 200m south of the application site. The development rises from 5 (19m) to 12 storeys (40.2m) at a density of c. 250 units per hectare. Screening undertaken concluded that significant effects on European site were not likely.

I note that significant effects were previously screened out in these development at application stage. Furthermore, as construction work at Santry Place and the former Swiss Cottage site has been completed, no construction stage in-combination effects arise. The screening report also considers the Dublin City Biodiversity Action Plan 2015 - 2020, City Development Plan 2016-2022 and Appropriate Assessment thereof, for possible in-combination effects with the proposed development. The report notes that Development Plan policies and objectives have been developed to anticipate and avoid developments that would be likely to significantly affect the integrity of any European site. It also notes the development plan requirement for SuDS measures in all new developments such that cumulative impacts due to surface water discharges are unlikely.

With regard to Ringsend WwTP, I note that permission was granted by the Board in April 2019 for the upgrading of the plant under ABP ref. ABP-301798-18, which works are currently underway. The project will deliver the capacity to treat wastewater for 2.4 million pe on a phased basis. In granting permission, the Board undertook an Appropriate Assessment of the development and concluded that, by itself or in combination with other plans or projects, the proposed development would not adversely affect the integrity of any European Sites, in view of the sites' Conservation Objectives. Documentation and evidence provided in that case, including an EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

I note that the AA screening report refers to the conclusions of that EIAR and in particular, the conclusions relating to the do-nothing scenario. It argues that significant effects on marine biodiversity and Natura 2000 sites within Dublin Bay from the (then) *current* operation of Ringsend WwTP were unlikely, and that in the absence of any upgrading works, significant effects to Natura 2000 sites were not likely to arise.

Having regard to the foregoing, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

#### 12.7. Screening Determination Statement

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development on serviced lands,
- separation from European sites and the intervening land uses,
- the lack of direct connections to European Sites having regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (001266) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

In arriving at this conclusion, I have not had regard to any measures which are intended to avoid or reduce the harmful effects of a project on a European site.

### 13.0 Conclusion and Recommendation

The proposed development is considered to be acceptable in principle on these Z3 lands having regard to the mix of uses proposed and the surrounding pattern of

development. The design and layout is acceptable and will deliver a satisfactory standard of residential amenity for future residents will not result in undue impacts on the amenities of the surrounding area. The proposed building heights materially contravene the provisions of the city development plan but are not regarded as unacceptable for this location, having regard to national guidance and the surrounding context. Redevelopment of this brownfield site is considered to be in accordance with local, regional and national policy promoting the consolidation of urban areas. The site is well served by existing public transport services and it is not considered that the development will give rise to negative impacts on traffic and transportation. Significant impacts on cultural heritage or ecology are not anticipated. The development is generally acceptable in principle and would, subject to conditions, generally accord with the proper planning and sustainable development of the area. I note, however, that the development would materially contravene the development plan provisions relating to the mix of housing units which is not addressed in the material contravention statement submitted. It is therefore recommended that, in accordance with Section 9(4) of the Act, a decision to refuse planning permission be issued in this case.

## **14.0 Recommended 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 22<sup>nd</sup> Day of July 2021 by Dwyer Nolan Developments Limited care of Armstrong Fenton Associates Tom Phillips and Associates, 13 The Seapoint Building, 44-45 Clontarf Road, Dublin 3.

#### **Proposed Development:**

The development will consist of 350 no. apartments, comprised of 113 no. 1 bed, 218 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to fourteen storey buildings, over basement level, with 5 no. retail / commercial units and a community use unit

located at ground floor level facing onto Santry Avenue and Swords Road. A one storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A & D.

The development consists of the following:

- (1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m<sup>2</sup>).
- (2) Construction of 350 no. 1, 2, & 3 bed apartments, retail / commercial and community uses in 4 no. buildings that are subdivided into Blocks A-G as follows:
  - Block A is a 7 to 14 storey block consisting of 59 no. apartments comprised of 26 no. 1 bed & 33 no. 2 bed dwellings, with 2 no. commercial/retail units located on the ground floor (c. 132.4m<sup>2</sup> & 173m<sup>2</sup> respectively). Adjoining same is Block B, which is a 7-storey block consisting of 38 no. apartments comprised of 6 no. 1 bed, 20 no. 2 bed, & 12 no. 3 bed dwellings, with 2 no. commercial/retail units located on the ground floor (c. 162.3m<sup>2</sup> & 130.4m<sup>2</sup> respectively). Refuse storage areas are also provided for at ground floor level.
  - Block C is a 7-storey block consisting of 55 no. apartments comprised of 13 no. 1 bed & 42 no. 2 bed dwellings. Refuse storage areas are provided for at ground floor level. Adjoining same is Block D which is a 7 to 10 storey block consisting of 51 no. apartments comprised of 25 no. 1 bed, 19 no. 2 bed, & 7 no. 3 bed dwellings, with 1 no. commercial unit / café located on the ground floor (c. 163.3m<sup>2</sup>). A refuse storage area is also provided for at ground floor level.
  - Block E is a 7 to 10 storey block consisting of 58 no. apartments comprised of 10 no. 1 bed & 48 no. 2 bed dwellings, with 1 no. community use unit located on the ground floor (c. 188.1m<sup>2</sup>). A refuse storage area, substation, & switchroom are also provided for at ground floor level. Adjoining same is Block F which is a 7-storey block consisting of 55 no. apartments comprised of 13 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.

- Block G is a 7-storey block consisting of 34 no. apartments comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- (3) Construction of a single storey residential amenity unit (c. 187.9m<sup>2</sup>) located between Blocks A & D.
  - (4) Construction of basement level car parking (c.5,470.8m<sup>2</sup>) accommodating 173 no. car parking spaces & 719 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 36 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.
  - (5) Public open space of c. 1,915m<sup>2</sup> is provided for between Blocks C, D, E, & F. Communal open space of c. 3,122m<sup>2</sup> provided for between (i) Blocks E, F, & G, (ii) Blocks A, B, C, & D, and (iii) in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit. The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
  - (6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).
  - (7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

The proposed development occurs on lands at the junction of Santry Avenue and Swords Road, Santry, Dublin 9. The development site is bounded to the north by Santry Avenue, to the east by Swords Road, to the west by Santry Avenue Industrial Estate, and to the south by the permitted Santry Place development (granted under Dublin City Council Ref's. 2713/17 & 2737/19).

#### 14.1. **Decision**

**Refuse permission for the above proposed development for the reasons and considerations set out below.**

#### 14.2. **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.

#### 14.3. **Reasons and Considerations**

Section 16.10.1 of the Dublin City Development Plan 2016-2022, which refers to Mix of Residential Units, states that each apartment development shall contain a maximum of 25-30% one-bedroom units and a minimum of 15% three- or more bedroom units. Having regard to the range of dwelling units proposed within the development, it is considered that the proposed development would materially contravene this provision of the plan

The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.

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Conor McGrath

Senior Planning Inspector

27/10/2021



## **Appendix 1: Documentation accompanying the application**

- SHD Planning Application Form
- Copy of Newspaper Notice
- Copy of Site Notice
- Planning Report
- Statement of Consistency
- Material Contravention Statement
- Statement of Response to An Bord Pleanála's Notification of Pre-Application Consultation Opinion
- Cover Letter to An Bord Pleanála
- Cover Letter to Dublin City Council
- Copy of Prescribed Bodies Notification Letters
- Copy of Correspondence with Irish Water
- Part V Proposals
- Dublin City Council Letter of Consent
- Social & Community Infrastructure Assessment
- Quality Housing Assessment
- Outline Construction Management Plan
- Building Life Cycle Report
- Property Management Strategy Report
- Universal Design Statement
- Environmental Impact Assessment Report Volume 1 - Non-Technical Summary
- Environmental Impact Assessment Report Volume 2
- EIA Portal Confirmation Notice (ID 2021146)
- Zoltorn Ltd. Letter of Consent
- Architectural Design Statement
- Architectural Drawings
- Design Rationale – Landscape Architecture
- Landscape Plan
- Roof Terrace Plan
- Boundary Treatments
- Landscape Sections
- Typical Landscape Details
- Arboricultural Report

- Santry Tree Constraint Plan
- Santry Tree Impacts Plan
- Santry Tree Protection Plan
- Outdoor Lighting Report
- Public Lighting Layout
- Daylight & Shadow Assessment
- Verified Views
- Stage 1 Road Safety Audit
- Hydrogeological Impact Assessment
- Construction & Demolition Waste Management
- Operational Waste Management Plan
- Appropriate Assessment Screening Report
- Bat Survey Report
- Archaeological Assessment