



An
Bord
Pleanála

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

Inspector's Report ABP-310944-21

Strategic Housing Development	413 no. apartments, creche and associated site works.
Location	Saint Columbans and No. 25 Hole in the Wall Road, Donaghmede, Dublin 13.(www.holeinthewallroadshd2.ie)
Planning Authority	Dublin City Council North
Applicant	Belwall Limited
Prescribed Bodies	Department of Housing, Local Government and Heritage; Irish Water; Transport Infrastructure Ireland.
Observer(s)	Andrew Gillick Veni Vidi Vivi; Grattan Hall Management CLG, c/o Keenan

Property Management Ltd.; John
Conway and the Louth Environmental
Group.

Date of Site Inspection

26th October 2021

Inspector

Una O'Neill

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of 1.97ha, is located in Donaghmede, in the northern suburbs of Dublin City, close to the boundary of Fingal County Council. The site is approx. c.9km north east of Dublin City Centre, and c.3km to the east of the junction of the M1 and the M50. The site is located northwest of the junction of the Hole in the Wall Road and the R139 (Clarehall Avenue) at the Grange Road Roundabout and is currently accessed directly from the Hole in the Wall Road, north of its junction with Grange Road roundabout. The site is c. 900m east of key district centre lands of Clarehall Shopping Centre, c. 400m north of Donaghmede Shopping Centre, and c.1 km southwest of Clongriffin Dart station. To the north east is Father Collins Park, which is a high quality active and passive public open space serving the area the area, Clongriffin high density mixed use residential/commercial development area, with Baldoyle-Stapolin high density residential area on the eastern side of the rail track to Clongriffin. To the northwest is the high density development of Belmayne residential area.
- 2.2. The application site itself is rectangular in shape and comprises two plots of land, with the southern portion occupied by the former St. Columban Fathers Missionary/ecclesiastical building and outbuildings, which are located to the western side of the site, and the northern portion of the site comprises an unoccupied private residential dwelling, No. 25 Hole in the Wall Road, and associated grounds. The site has a number of mature trees along the site boundaries. The site is bounded to the east by the Hole in the Wall Road with a frontage of c.86m, and is bounded to the south by the R139, with a frontage of c. 99m. Of note, there is a triangular portion of land located between the southeast boundary of the site and the R139, at the junction of the two streets, which comprises a pump house and is the subject of a concurrent application for a residential development. Adjoining the northern boundary of the site is Grattan Wood, which is a private apartment development in

four/five-storey detached blocks and set within a landscaped environment. To the north of Grattan Wood is a four/five storey apartment development, called Priory Hall. Opposite the site, and to the east of the Hole in the Wall Road is a more established two storey housing development, 'New Grove Estate'. To the west of the site is a two/three-storey housing development, Grattan Lodge.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of 413 apartments. The following tables set out some of the key elements of the proposed scheme:

Table 1 Key Figures

Site Area	1.97 ha gross / 1.9 ha net
No. of Residential Units	413 no. apartments
Residential Amenity Areas	336 sqm
Density	217 units per hectare (net)
Childcare Facility	150.65 sqm
Height	2 Blocks, 5-7 storeys in height
Dual Aspect	191 units / 46%
Communal Open Space	3267 sqm
Public Open Space	5293 sqm
Part V	41

Table 2 Unit Mix

	Studio	1 bed	2 bed	Total
Apartments	65	140	208 (of which 17 are 2 bed/3 person)	413
As % of total	16%	34%	50%	100%

Table 3 Parking

Car Parking	298 [39 at surface; 259 at lower podium levels]
Bicycle Parking	778

- 3.2. Dublin City Council have provided consent for works to the public road and footpaths at the Hole in the Wall Road and the R139. A new vehicular and pedestrian and an additional pedestrian/cyclist access is proposed off the Hole in the Wall road to the east, with an emergency vehicular access off the R139 at the southwestern corner. Two pedestrian accesses are proposed onto the R139 to the south.
- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject to a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated.
- 3.4. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:
- Planning Report
 - Statement of Consistency Report
 - Architectural Design Statement
 - Architectural Technical Document, including HQA
 - Statement of Response to ABP Pre App Consultation Opinion
 - Material Contravention Statement
 - Daylight and Sunlight Assessment
 - Arboricultural Report
 - Ecological Impact Statement
 - Screening Report for Appropriate Assessment
 - EIA Screening Report

- Mammal Assessment
- Flood Risk Assessment
- Landscape Report
- Archaeological Assessment
- Building Lifecycle Report
- Part V Document
- Construction Management Plan
- C&D WMP
- OWMP
- Photomontages
- Childcare Demand Analysis
- Community and Social Infrastructure Audit
- TTA
- Residential Travel Plan
- Wind Analysis and Pedestrian Comfort Report

4.0 **Planning History**

E0307/21 - Site allegedly being used for storage of building materials and dumping of waste.

Application Site:

ABP-307257-20 (SHD application) – Permission REFUSED for construction of 438 no. apartments, childcare facility and associated site works.

Reason for Refusal:

Having regard to the Ministerial guidelines for Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018, it is considered that the proposed arrangement of apartment layouts and siting of blocks within the scheme would result in inadequate separation

distances between blocks, and between habitable rooms and balconies, resulting in overlooking and overshadowing of habitable rooms and private amenity areas which would seriously injure the residential amenity for future occupiers of the units. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Southern Part of Application Site/ Site of Columban Missionary Building:

PA Reg. Ref. 3403/18 / ABP-302929-18 – The Board decided to dismiss a third party appeal - Permission GRANTED by Dublin City Council for Revisions to Reg. Ref. 2854/17, to develop as a Build to Rent scheme with 22 no. additional apartments, i.e. a total of 225 no. residential units, in 5 storey (partial 4) blocks.

ABP Ref. PL29N.249368 (PA Reg. Ref. 2854/17) - Permission GRANTED for 203 no. apartments, a gym, a childcare facility, a community room and a basement car park in four blocks, 4-5 storeys high. Stated residential density c.149 units / ha. Car parking provision of 1.2 spaces per unit. The Board granted permission subject to amendments comprising the omission of apartments nos. 181,182, 196, 197, 208 and 209 in Block D and the omission of the associated archway, with the stated reason 'In the interests of orderly development and residential amenity'.

25 Hole in the Wall Road / Northern Part of the Site:

PA Reg. Ref 3203/07. Permission GRANTED for 48 no. apartments in 3 no. 4 storey blocks.

ABP PL29N.218702 (PA Reg. Ref 1237/06) - ABP REFUSED permission for 60 no. apartments in one 4 storey block. Reason for refusal related to scale and impacts on residential amenities.

Adjacent Pumphouse Site – Concurrent application with DCC:

3159/21 – Application for 7-13 storey building, accommodating 72 apartments.

ABP-308134-20 – Permission REFUSED for a 5-7-11 storey building, accommodating 122 shared accommodation units.

Reason for Refusal:

Having regard to the location of the site, the Board is not satisfied that, given the lack of any major employer within the area, insufficient public transport provisions and its location at a remove from the city centre, that the shared living can be accommodated at this location, and considers that city centre and town or major employment centre locations as outlined in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018, are the most appropriate locations for shared accommodation developments. These locations offer residents of such schemes a wide range of social and physical infrastructure, amenities, a range of public transport opportunities as well as concentrations of employment. The proposed development would not be consistent with the transport strategy of the Dublin Transport Authority. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Other Relevant Permissions:

3979/09 Part 8 Development - Quality Bus Corridor, The Hole In The Wall Road

5.0 Section 5 Pre-Application Consultation

5.1. Pre-Application Consultation

- 5.1.1. A Section 5 pre application consultation (Ref. ABP-308918-20) took place via Microsoft Teams due to Covid-19 restrictions on the 10th March 2021. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act constituted a reasonable basis for

an application for strategic housing development under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.1.2. The following specific information was requested:

1. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

2. An updated Architectural Design Statement. The statement should specifically address the proposed building materials and finishes and the requirement to provide high quality and sustainable finishes and details.

3. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%.

4. An augmented Sunlight, Daylight and overshadowing report, in compliance with the requirements of BRE209/BS2011, with additional focus on a Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

(i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

(ii) Impact to neighbouring properties devoid of proposed and existing landscaping and trees.

5. A response to matters raised within the PA Opinion and Appended County Council Department comments submitted to ABP on the 28th January 2021.

6. Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 29th Jan 2021
7. A Building Life cycle report.
8. An up to date Ecological Assessment, inclusive of a Bat Survey.
9. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

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

5.2. Applicant's Statement of Response to ABP Opinion

- 5.2.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the information points raised in the Opinion.
- 5.2.2. The following points are noted:
 - A Material Contravention Statement has been submitted.
 - The submitted Design Statement includes details of finishes.
 - A Housing Quality Assessment has been submitted. 46% of the units are dual aspect, even though the requirement is for 33%. The architectural drawings, prepared by OMP Architects, have also been colour coded as requested by the Board to show which apartments are dual aspect and exceed the minimum floor areas by 10%.
 - Digital Dimensions were engaged by the applicant to prepare an augmented sunlight, daylight and overshadowing report for the development to show its compliance with BRE209/BS2011.
 - The proposed development has taken cognisance of any potential cumulative design on the adjoining lands to the south east and this is further outlined in the Design Statement prepared by OMP Architects.

- The south east corner block has been amended, with the elevation further setback from the boundary and the outlook from the elevation has been amended to ensure that there is no direct overlooking to the lands to the south east and thus preserving their residential amenity.
- More privacy screens have been provided to balconies and all units are provided with private open space.
- The outdoor area of the childcare facility has been extended in a westerly direction in order to increase the quantum of daylight that it enjoys.
- The ESB Substations have been incorporated more discretely into the main part of the apartment blocks so as not to affect the outlook of any adjoining units.
- A Building Lifecycle Report has been included as part of this application.
- A pedestrian permeability drawing and a plan differentiating between the different areas of public, communal and buffer areas of open space has been provided by BSLA Landscape Architects as part of their Landscape Report. • Boundary details have been provided within the Landscape Report prepared by BSLA Landscape Architects.
- A preliminary Construction Management Plan and an Operational Waste Management Plan have been prepared.
- An updated Ecological Impact Assessment statement has been prepared by Openfield Ecological Services as well as a Mammal Assessment (which includes bats), which was prepared by Brian Keeley and Donna Mullen, are submitted under separate cover as part of this application.
- An updated AA Screening Report has also been prepared by Openfield Ecological Services and submitted under separate cover.
- Updated surface water proposals and a Flood Risk Assessment have been prepared.

5.3. Applicant's Statement of Consistency

- 5.3.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the national policies

and objectives of section 28 guidelines and the Dublin City Development Plan 2016-2022.

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

5.4.1. The application documentation includes a report titled Material Contravention Statement, which relates to the development's height, unit mix and car parking standards against the Dublin City Development Plan 2016-2022. The report is summarised as follows:

- The development will have a maximum building height of 22.5 metres, although the majority of the development would be within the 16-metre height range with just elements of 2 out of the total of 4 blocks exceeding 16 metres. The Dublin City Development Plan has been superseded by National Planning Guidelines – Urban Development and Building Height Guidelines for Planning Authorities (2018), which removed a blanket limit or cap on building heights and instead seeks to provide for a qualitative assessment for building heights.
- The proposed mix of units is therefore in accordance with the more recent SPPR 1 of the Apartment Guidelines, which would take precedent over the Development Plan where there is a conflict between them. The policy documents outlined in Section 2.2 of this report would also support this mix of units for the proposed development given its location, planning history and proximity to public transport. It is respectfully submitted that even if the Board does not expressly grant permission on the basis of material contravention, the Board is required to dis-apply any provisions of the Dublin City Development Plan 2016-2022 to the extent that they differ from any specific planning policy requirements set out in Ministerial Guidelines.
- It is evident that the objectives within the Dublin City Development Plan relating to car parking standards are not clearly stated in relation to this proposed development. Specifically, the Development Plan has set a maximum standard for car parking, but states that car parking standards for apartments may be reduced in certain instances. The Development Plan goes on to state that proposals will be informed by a Transport Assessment, the scope of which must be agreed by Dublin City Council prior to the submission of a planning application. It is noted that Transport Insights have prepared such a Transport Assessment, along with a Residential Travel Plan, which are submitted under separate cover as part of this

application. The Transport Assessment has confirmed that the maximum demand for car parking would be 306 and as such, the proposed development is adequately served by car parking. It is respectfully submitted that the provisions of the car parking standards set out in the Dublin City Development Plan 2016-2022 differ from recommendations and requirements set out in Ministerial Guidelines, specifically section 4 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). It is submitted that the subject site is located at a Central and/or Accessible Urban Location, as defined by the Guidelines, and therefore the Guidelines set a default policy for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

- It is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and permit the proposed height and unit mix contraventions of the Dublin City Council Development Plan 2016-2022 having consideration to section 37(2)(b) (i)(ii) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing and sustainable neighbourhoods given the current housing crisis as well as planning precedent for permitting taller buildings and unit mixes within the surrounding area, which have been approved during the lifetime of the current Development Plan.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 2(a): A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs.
- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Planning Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. Section 28 Ministerial Guidelines

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

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020)
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)

- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

6.2. Regional Policy

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

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

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

6.3. Local Planning Policy

6.3.1. Dublin City Development Plan 2016-2022:

- Zoning: Z1 ‘to protect, provide and improve residential amenities’.
- The site is within the boundary of Strategic Development Regeneration Area 1.

Chapter 15 Strategic Development and Regeneration Areas: Guiding Principles for Development

Section 15.1.1.1 SDRA 1 North Fringe (Clongriffin-Belmayne). Relevant key points include:

- Over 3,400 new homes and 41,000 sq.m. of commercial floor area in place, also water and drainage infrastructure, a Clongriffin Dart station and public square, sections of the new main street boulevard and redesign of Father Collins Park.
- Aim of providing approx. 8,000 new residential units upon completion.
- Objective to achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.
- Objective to promote the creation of a high-quality public domain by establishing a high standard of design in architecture and landscape architecture.
- Objective to use building heights to define key landmark locations, including: Minimum heights of five storeys for the key district centres at Clongriffin rail station and the N32/Malahide Road junction.
- Minimum heights of four to five storeys for the Main Street boulevard.
- A landmark structure of 10-14 storeys (office height) adjacent to the rail station.

Chapter 5 – Quality Housing

- Policy QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.
- Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- Policy QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- Policy QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

Chapter 12 Sustainable Communities and Neighbourhoods

- Policy QH12: To promote more sustainable development through energy end use efficiency, increasing the use of renewable energy and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with guiding principles and development standards set out in the development plan.

Chapter 16 Development Standards

- Section 16.3.4 Public Open Space – All Development: There is a 10% requirement specifically for all residential schemes as set out in Section 16.10.1.
- Section 16.4 Density Standards - As per national planning policy.
- Section 16.5 Plot Ratio. Indicative plot ratio of 0.5 – 2.0 for Z1 outer city. Higher plot ratio may be permitted adjoining public transport corridors.
- Section 16.6 Site Coverage. Indicative site coverage of 45% - 60% for Z1 lands. May be higher adjoining public transport corridors.
- Section 16.7.2, 'Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development' - The site is located within the 'outer city' and 'low rise' where up to 16m is permitted for residential.
- Section 16.10.3: Residential Quality Standards – Apartments and Houses:

Public Open Space -

In new residential developments, 10% of the site area shall be reserved as public open space...A landscaping plan will be required for all developments, identifying all public, communal (semi-private) and private open space. The design and quality of public open space is particularly important in higher density areas...

6.4. **Clongriffin-Belmayne Local Area Plan 2012-2018** (extended to 2022)

- Chapter 6 relates to Movement and Transport Strategy
- Chapter 7 relates to Urban Design – Section 7.6, general minimum net density of 50 units/ ha should be achieved subject to appropriate design and amenity standards in the LAP area. The LAP also recognises that density will

vary due to location (proximity to public transport), as well as unit type and design.

- S.7.9 Key Urban Design Objectives, including, inter alia:
 - UDO1 (sustainable densities),
 - UDO2 (promote family orientated, adaptable, lifelong homes),
 - UDO3 (promoted passive and active recreation space),
 - UDO5 (design park / open space linkages as part of large green network),
and
 - UDO7 (height strategy).

The site is not included in the LAP's indicative phasing plan for the LAP area or are there any specific objectives for the application site set out within the LAP.

6.5. Natural Heritage Designations

- Baldoyle Estuary SAC site code 000199 (c.2.2km to the east)
- Baldoyle Estuary SPA site code 04016 (c.2.2 km to the east)
- North Bull Island SPA site code 004006 (c.2km to the southeast)
- North Dublin Bay SAC site code 000206 (c.2km to the southeast)
- South Dublin Bay SAC site code 000210 (c.6.5km to the southeast)
- South Dublin Bay and River Tolka Estuary SPA site code 004024 (c.6.5km to the southeast)

7.0 Observer Submissions

7.1. In total 3 submissions were received from observers and 3 from prescribed bodies (see section 9 hereunder in relation to prescribed bodies).

7.2. One of the observer submissions is from the adjoining landowner to the southeast (subject to a concurrent application to DCC), Andrew Gillick Veni Vidi Vivi, who states they have consulted with the applicant in terms of the development of both sites. The submission is summarised as follows:

Impact on Residential Amenity

- **Overlooking and Overbearing:** The scheme is well designed and creates great residential units and amenities. The separation distances in this area that is developing an urban grain is appropriate. The observer has examined the southern boundary and the windows facing this direction are non-primary to the room they service. To the north and to the west the separation distances are totally in excess of what is expected. Internal separation distances and overlooking are comparable and acceptable compared to all apartment developments.
- **Light and Amenity:** The units on the southern boundary will have good light levels and will have good outlook.
- The communal areas enjoy generous sunlight daylight.
- The sunlight daylight assessments indicate that both sites can be developed as proposed without an adverse effect on each other. These tests have been run in conjunction with one another and to ensure as DCC has requested both sites can be developed in conjunction with one another.

Density, Design and Layout

- **Design:** the buildings are appropriately positioned on site and along the Hole in the Wall Rd. Developments need to have an active street front, some landscaping and density. This development achieves all these factors.
- **Heights and Massing:** The proposed heights and massing are reasonable. There is an opportunity to add another floor and the observer asks the inspector to consider this. There is the possibility along the Hole in the Wall Rd and R139 for the heights to be increased by a floor and a set back floor.
- **Dense apartment developments** here are very much in demand, they enjoy full occupancy as developments in Belmayne and Clongriffin indicate. Developments like this not only introduce new workers to the area but it also gives empty nesters the ability to downsize and move out of houses that are too large.

Traffic and Transport

- **Parking and Transport:** This area of Dublin is well serviced with public transport and the parking ratio of 65% is adequate.

- The need for housing: As is well known there is a need for housing. This development is on 3 bus routes and an easy walk to the Dart Station. The development is buildable, liveable and will provide housing for all demographics- young, old, working locally, in the north city, airport and in the docklands. In less than 30 mins by bike or public transport one could literally be in 50% of the city.

7.3. The submission from John Conway and Louth Environmental Group is summarised as follows:

National and Local Policy

- The Board should refuse to consider the application. The Planning Guidelines for Planning Authorities on Urban Development and Building Height 2018 and the Apartment Guidelines 2020, and the SPPRs contained therein are ultra vires and not authorised by section 28(1C) of the Planning and Development Act 2000 (as amended). These provisions are unconstitutional/repugnant to the Constitution. The Guidelines are contrary to the SEA Directive insofar as they purport to authorise contravention of the development plan without an SEA being conducted or a screening for SEA on the variations being brought to the development plan as a result of same.
- The proposal materially contravenes the development plan in relation to unit mix and floor areas, which cannot be justified by the Apartment Guidelines, SPPR 1 and SPPR 8.
- The proposal materially contravenes the development plan in relation to Building Height. The proposal does not comply with Building Height Guidelines, SPPRs and the Criteria and Specific Assessments therein, including SPPRs 1, 2, and 3.
- The proposal materially contravenes the development plan in relation to Unit Mix. It cannot be justified where no basis has been provided that the development is of strategic or national importance, and were same doesn't comply with Apartment Guidelines and SPPRs therein.
- The proposal materially contravenes the development plan in relation to Car Parking. It cannot be justified where no basis has been provided that the development is of strategic or national importance, and were same doesn't comply with Apartment Guidelines and SPPRs therein.

- The proposed development is not of strategic or national importance. Purported reliance on the definition in the 2016 Act is erroneous.
- The documentation does not comply with the requirements of the 2016 Act and the Regulations in relation to the requirements for detailed plans and particulars.

EIA Screening

- Environmental Impact Assessment Screening Report is inadequate and deficient.
 - Criteria considered does not comply with requirements of the 2000 Act or Regulations.
 - Having regard to the potential for cumulative impacts with this development and other SHD developments, and noting the size of the proposed development, a full EIA should be carried out.
 - The Board lacks ecological and scientific expertise and does not have access to such expertise.
 - Information submitted is contrary to the requirements of the EIA Directive and the provisions of Planning and Development Act 2000 (as amended) and Planning and Development Regulations 2001 (as amended).
 - The Population and Human Health Chapter of the EIA Screening is inadequate in that it fails to assess the impact of an increased population in the area on services including schools, childcare and medical care.
 - The impact on biodiversity and human health during construction and operational phases is inadequate and lacking in terms of detail.
 - The report does not consider the potential impact of the height of the proposed development on bird flight lines/paths and collision risks.

AA Screening

- Screening for and/or Appropriate Assessment is insufficient, contains lacunae, and is not based on appropriate scientific expertise.
 - There are inadequacies and lacunae in the AA Screening Report and NIS and the Board does not have sufficient or adequate information to carry out a complete AA Screening and AA.

- Inadequate information to screen out the potential impact of the proposed development, both during construction and operational phases on birds, including bird flight lines and collision risks.
- Reference to generic statements is not a substitute for expert scientific opinion.
- The conclusions/statements do not identify any clear methodology and no analysis in respect of protected sites 'screened out' at AA Screening Stage.
- The zone of influence is not reasoned or explained. The limitation of a 15km radius is not explained and it is unclear how such a limitation was determined.
- Inadequate regard to the cumulative effects of the proposed development in combination with other development in the vicinity on the protected sites.
- Reliance on Ringsend WWTP is flawed given its precarious status.
- It is impermissible at screening stage to rely on mitigation measures/measures designed to negate the impact of a proposed development on a protected site.
- Purported reliance on an AA Screening Report (pg 29) for other sites and other projects is an irrelevant consideration for the purposes of carrying out an AA Screening exercise.

7.4. The submission from Grattan Hall Management CLG, c/o Keenan Property Management Limited is summarised as follows:

National and Local Policy

- The development does not comply with national, regional, or local plans policies, and is located outside the boundary of the LAP.
- Improvements to the scheme are suggested. Further Information is recommended but not allowable under SHD legislation – therefore the application should be refused. Reasons for Refusal are suggested.
- Height is contrary to current CDP and draft CDP.

Density, Design and Layout

- Scheme is non-compliant with Apartments Guidelines in terms of residential amenity needs and parking requirements.
- Scheme is non-compliant with Sustainable Residential Density Guidelines. It is sub-standard in terms of scale, siting, design, and provision of public open space. It would cause significant, negative, and permanent impacts on the established residential and visual amenities of adjoining apartments and residential buildings.
- Scheme is non-compliant with section 3.2 criteria in Building Height Guidelines.
- Scheme is non-compliance with section 16.7 of the development plan and building heights.
- Development fails to address Urban Design Guide as it is over scales for the area and detailed design cannot mitigate negative impacts of over development.
- The scheme is overly dense with no adjoining precedent. Grattan Wood is a larger site and has a more appropriate density for the area.
- Development would represent an abrupt and visually jarring department from the established character, pattern and scale of development at this location.
- Scale at northern boundary with Grattan Wood is unjustified and view from Grattan Wood is of monolithic structure. Block A2 should be removed allowing for greater separation from Grattan Wood and more internal open space, alternatively Block B2 should be removed and Block A1/A2 moved south, to reduce impact to Grattan Wood, or blocks along northern boundary should be reduced to 5 storeys.
- Development, in conjunction with concurrent application on adjoining site would represent an excessive height, scale, massing and bulk.
- Plot ratio is 2.07 and not the stated 1.4. Plot ratio is in contravention of development plan as it is not adjoining and public transport corridor.
- Site area incorrect when compared against previous site areas. Density is therefore understated. Density is excessive compared to Grattan Woods.
- Distances indicated between proposed blocks and Grattan Wood are inaccurate, and the distances to the site boundary and neighbouring open space should be considered. Ground level differences have not been fully considered
- Contiguous elevation is mis-leading.

- Scheme provides for a poor height transition with Grattan Wood which is 3.5 storeys - 4.5 storeys high – the heights and levels of the latter is misrepresented. Maximum height should be 5-storeys and 4 storeys adjoining Grattan Wood as per permitted scheme on site.
- Basement should be included to lower height of the scheme.
- The scheme has characteristics of a BTR scheme, although not advertised as such.
- A complete Landscape and Visual Impact Assessment has not been submitted. No photomontages have been submitted from within Grattan Wood.
- Photomontages submitted are insufficient.
- Cumulative impact of proposal at pumphouse and tower building is not shown.
- The development of the adjoining sites has not been coordinated as previously recommended. They are still not directly accessible to each other.

Impact on Residential Amenity

- Scheme would negatively impact residential amenity of concurrent application on site to southeast.
- No family units are provided. There already are sufficient smaller units in Grattan Wood – which as an example are proving difficult to accommodate families.
- BTR schemes do not integrate with local community. The subject BTS scheme could be rented – with residents enduring lower BTR standards.
- It is noted that there are now more studio units and proportional less parking per unit from refused SHD version.
- Proposal will negatively impact on 3rd parties' privacy, outlook, as well as access to daylight and sunlight.
- Daylight Assessments show negative impacts upon 3rd parties. Claim that such impacts are 'minor' are disputed. Quality for future occupants is questionable. The BRE is used as default for Ireland because it doesn't have its own standards – but shouldn't be over relied upon determine a scheme impact/acceptability.
- The development will generate potentially negative Light pollution.

- Noise impacts on Grattan Wood have not been considered. Design of scheme actually amplifies noises. All main noisy activities are on north side of site – unlike previous permissions.
- Unsure of the use of residence rooms - could be used as retail, or as a Go Car rental offices.
- Crèches are acknowledged as a bad neighbour.
- Scheme despite amendments from refusal will still allow overlooking between blocks.
- Number of dual aspect units overstated. Units on north side of blocks are effectively single aspect units and are of poor quality.
- Proposed open space and play areas will be overshadowed.
- Open space layout should be redesigned to be more usable.
- Refuse collection will negatively impact upon Grattan Wood.
- There will be negative disruption from C&D works upon adjoining 3rd parties. Adjoining residents are now having to endure a construction compound next door to them on the subject site – which is currently subject to enforcement.

Ecology

- There is an understated and undue loss of trees - which are a significant ecological feature in the local landscape. Survey without warrant includes 3rd party trees. The scheme will impact on root systems of existing trees in Grattan Wood.
- Car parking should be removed from boundary with Grattan Wood and semi-mature trees planted in this area.
- Disturbance of bats during construction.

Traffic and Transportation

- Lack of public transport/at capacity.
- Distance to DART is understated.
- No correct survey of local car ownership.
- Travel plans based on selective data.

- Entrance should be moved away from Grattan Wood to where it is currently permitted.
- Negative impact from traffic movements and parking upon 3rd parties.
- Provision of car parking below CDP standards - will lead to overspill traffic conflict.
- Internal Road design will lead to speeding.
- No crèche parking evident

Other Matters

- ABP has insufficient ecological/scientific expertise.
- Insufficient public consultation has taken place.
- The proposal will devalue property and set poor precedent.
- Cumulative impact of proposal at pumphouse and tower building is not shown.

8.0 Planning Authority Submission

8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Dublin City Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 20th September 2021. The Chief Executive's Report concludes that permission should be granted subject to conditions.

8.1.1.1. The CE Report from Dublin City Council is summarised hereunder.

8.1.2. Summary of Inter-Departmental Reports

- Drainage – no objection subject to conditions. Further detail in relation to surface water management required and details of basement construction and operation.
- Transport Planning Division – no objection subject to conditions in relation to Construction Management Plan, Residential Travel Plan and Car Parking Management Strategy, and works to the public road/footpath area.
- Housing – there has been engagement on Part V.
- EHO – No objection subject to conditions.

- Parks –
 - The local area is well served by existing Community Grade 2 and a Flagship park. The adjacent Grange road open space is less than 100m from the site while Fr Collins Park, a flagship park, is at approximately 350m. There is therefore no particular open deficit requirement to be met on the site.
 - There are no tree preservation orders or rare trees recorded on this site. Subject to development approval the remaining trees will require on site protection and management through the construction process.
 - The location of proposed services does not seem to be fully coordinated appropriately with the tree protection proposals, as indicated below, which will give rise to further tree loss if approved.
 - A tree bond to protect retained trees is advised. No objection subject to conditions.
 - Proposed public open space in the scheme will not be taken in charge and subject to a grant of development appropriate conditions will be required to safeguard public access and use.
 - There is concern on the poor sunlight conditions for the proposed outdoor crèche space at Block A and proposed public open space at Block B.
 - The submission does not seem to include green roofs. Parks Services promote the use of roof greening to at least 70% of proposed flat or gently sloped roofs.
 - Concerns in relation to the development. Conditions recommended.
- Waste Section – No objection subject to conditions.
- Development Contributions – Contribution in lieu of development not meeting OS requirement; section 48(2)(c) Nth Fringe contribution if applicable.

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

Height/Density, Design and Layout

- It is noted that the height contravenes the City Development Plan.

- Apart from some changes to the angles of layout of blocks there doesn't appear to be much change from refused application and very little if any improvement in the level of residential amenity for any future occupiers.
- There has been very little change to separation distances between blocks and habitable rooms and balconies which would warrant the granting of permission to this application. It was therefore recommended that the Area committee recommend rejection of the application and this should be reflected in the Chief Executives report.
- Reducing the number of units from 438 to 413 is not going to alleviate the issues which were apparent in the refused application and it is still a massive overdevelopment of the site.
- It constitutes an overdevelopment of a relatively small site.
- There seems to be a lot of steps in outside communal areas of scheme which would hinder mobility for persons with a disability, senior residents, young children, prams and buggies etc.

Mix of Bedroom No's per Unit

- There aren't enough 2 and 3 bed units to sustain accommodation of larger family units in the area.
- Concern was expressed about the prevalence of smaller studio and one bed units in the area.

Transportation and Parking

- There is a massive amount of development and pending development in this area at present, including this proposed development and the proposed adjoining pump house development. Concern was expressed about traffic congestion in the area which was stated to be getting worse by the day and that's before we return to pre-covid levels of traffic.
- There are serious issues with regard to traffic on roundabout near site and the NTA have failed to address these issues to date. This proposed development will further exacerbate traffic problems in the area.

- The necessary traffic infrastructure must be in place if we are to proceed with further development in this area.
- The roads adjoining the site services the M50, one of the busiest carriageways in the country, and it's imperative that we ensure safe access and egress from the site onto these roads.
- Concern was expressed about the location of pedestrian lights just around the corner from roundabout.
- Concern was expressed about the under provision of car parking spaces which would result in overspill car parking in the area.

Provision of Community Services and Facilities

- There is an under provision for amenities on the site and very little community gain for local residents. The provision of a crèche is not good enough.
- It was stated that the level of amenities and community facilities in the area are currently insufficient to support the large influx of residents under proposed development. For instance there is a severe shortage of primary and secondary school places in the area at present and also a shortage of sporting/playground facilities.
- Some of the sports facilities nearby are in need of upgrade and further investment is needed in this area.
- There is a housing crisis but it's not enough just to build more housing without developing adequate community facilities and amenities in tandem as this will just create further problems down the line.

Landscaping, Parks and Biodiversity

- Concern was expressed that some of the images show mature trees to the front of site but the applicants only seem to have retained the mature trees to the left western side of site.
- There would appear to be large scale removal of trees from site and this would have a knock on effect not alone on biodiversity but also on drainage having regard to the intensified development of the area with hard surfacing and consequent run-off.

- The view was expressed that there should be more trees around the front and sides of the site which would soften the visual impact of the development.

Other Relevant Planning Applications in the Area

- The two sites, both this one and the adjoining pump house site, need to be considered as one and there needs to be closer co-operation between the developers of both sites.

8.1.4. **Planning Analysis**

The submitted CE Report sets out a detailed planning analysis of the proposed development. I note the report throughout compares this scheme to that previously refused on this site. The following is a summary of the main points within the CE Report:

- CE Comment, Density - As per section 7.6 of the LAP, the overall average density target was to be 50 units per hectare (uph). The LAP also recognises that density will vary due to location (proximity to public transport), as well as unit type and design. It is also noted that SDRA 1 North Fringe also states that there is a need to achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities...It is considered that the additional population the development generates will also help with the viability of local services and facilities both existing and in future for this urban city area and is consistent with national development objectives in relation to urban consolidation and the efficient use of scarce zoned and serviced urban lands, while the proposed unit profile will add to the mix in the area in terms of serving differing household formations as well as allowing for down/right sizing opportunities which potentially makes more family homes available. The need for more family sized units as part of the apartment mix in a certain location would have to be proven via an evidence-based Housing Need and Demand Assessment (HNDA) as required by SPPR1 of the 2020 Apartment Guidelines.
- CE Comment, Design and Integration - The subject development along with the concurrent proposal on the pumphouse site to the south have the potential to provide for an efficient and contemporary themed redevelopment of these underdeveloped residentially-zoned lands – with a new ‘firmer’ edge forming an undoubtedly more urban streetscape with the inevitable diminishment of the subject site’s component

part's sylvan character... The subject development while still being placed close to the southern party boundary, has deintensified its presence at this interface – due mainly to the inverted U-shaped layout of the scheme's eastern perimeter block wing. The applicant has ensured that only a gable elevation of its Block D faces onto the neighbouring site to the south – with also Block D's gable-end opes and balcony side screens treated to avoid direct overlooking across into the immediately- adjoining pump house site. Being to the north the subject proposal will not cause any major shadow issues over its anticipated southern neighbour. The adjoining applications respective daylight and sunlight tests – which were carried out by the same consultant – noted no serious potential impacts upon each other's residential amenity.

- CE Comment, Height – Section 16.7 of the current Development Plan 'Building Height in a Sustainable City' allows for a maximum height of up to 16m in the outer city. Report notes varied height across the wider area. It is considered that the overall stepping-up arrangement on the main southern and eastern road frontages towards the site's south-eastern corner allows development of the adjoining pump house site to potentially ramp-up and culminate into a local wayfinding corner structure. It is considered that there is a sufficient visual development gap between the existing low-rise apartment scheme to the north and the height of subject site's northern blocks. The applicant has assessed the proposal against the development management criteria set out in the 2018 National Height Guidelines. The applicant also notes that the height of the proposal will not affect any bird flight paths; interfere with telecommunications (with future provision made); or interfere with aircraft safety.
- CE Comment, Form and Layout - The two perimeter blocks are not as proximate or overbearing in relation to each other as compared to last scheme's interface arrangement with the perimeter blocks also being opened on one side with one each of the perimeter blocks' arms being flared-away from its counterpart across the courtyard. These amendments as follows should reciprocally reduce the impact on opposing and adjoining units' outlook, privacy, access to daylight and also sunlight in some instances. The open space within the perimeter blocks will now be split level with the elevated podium-level communal open space areas placed to the northern side of the courtyards and which will be particularly open to the sun.

- CE Comment, Visual Impact - It is again recommended that any extensive plinth or external staircase-wall elevations be finished in brick and perhaps softened perhaps with 'green walls' etc where the opportunities arises such as around the elevated podiums.
- CE Comment, Landscaping - It is recommended that retention of existing trees on site be maximised especially within the western open space area, and that additional tree planting take place also. It would also be preferable that the natural boundary to the north is further enhanced. A trade-off between surface parking and additional planting along the northern boundary should be considered – with at least the provision of additional tree planting between parking bays.
- CE Comment, Unit Mix/Schedule of Accommodation - The applicant has provided a justification for their unit mix with regard to the current Development Plan requirements via Material Contravention Statement which in turn refers to the requirements of SPPR1 of the Apartment Guidelines.
- CE Comment, Dual Aspect - The applicant states that there are 191no. dual aspect apartments (46%). The applicant in this instance notes that the ABP Inspector had no objection to the 34% provision in the last SHD application on site. The applicant has amended the northern elevations of the perimeter blocks in order not to provide for any solely north facing single aspect units. As such a recess has been 'inserted' into the perimeter blocks' northern elevations which allows primarily northern apartments to have either an additional western or eastern outlook. The potential conflict with balconies at pre-application stage has been resolved though there is still potential conflict between the perpendicular arranged living room windows with adjoin bedroom windows of neighbouring apartments. As discussed below there may be scope to deflect some of the outlooks.
- CE Comment, Private Open Space/Privacy - All residential units have been provided with balconies or patios, that also in excess of 1.5m in depth, as well as being directly accessed from the units' living areas. The outlook and privacy conflicts relating to the studio units found on the inside corner of the eastern block has been improved – with the compromise of using winter gardens as an alternative in some instances. The applicant has also detailed the location of proposed opaque glazing, high side screens to balconies and external stair cases, as well as details on the

provision of natural buffers and screens to ground floor units and those 1st floor units where they adjoin the podium level courtyards and where units are close to entrance zones.

- CE Comment, Ancillary/Supporting Residential Amenities - Block A2 contains a concierge and management suite, including parcel store, and a screening room, entertaining kitchen and dining area, and residents lounge opening out on to a south facing terrace. Block C also contains a concierge and management suite, a lounge, and a fitness gym with associated changing facilities and toilet facilities. Concern has been raised that these 'undefined' spaces could end up accommodating retail uses etc – but while a local shop would be a permissible use within the Z1 zoning –it is recommended that they be restricted to ancillary use for the residential scheme.
- CE Comment, Children's Play Areas - The applicant's landscape report notes that there will be 899.5m² of children's play space located across 4 no. areas/units. These spaces are provided with safe access and are located in a central communal open space and within the public open space areas within sight of the apartment buildings. The 2020 Apartment Guidelines also recommends that Children's play area be located in the best sunlit location as much as possible. In this instance the applicant's daylight/sunlight assessment appears to show the various dispersed play areas being located within sunlit locations.
- CE Comment, Social Audit and Childcare Facilities – Audit noted and childcare facility considered acceptable.
- CE Comment, Communal Open Space – Scale, location, and sunlight available within communal spaces is noted and no issues are raised.
- CE Comment, Public Open Space - The western portion of the public open space which includes the public open space area also currently assigned to the extant permission on the Columban Father's site was also to act as a landscape buffer with the existing housing area to the west. It is noted that the eastern open space area has to be accessed via an underpass that runs through Block C from the central open space area. It might be the case in future that management of the scheme may require that this space to be solely assigned as communal space – but either way would still leave a considerable proportion of the site given over as public open space. Even if the central space was deemed problematic as public open space - the

more segregated western would still make up over 10% of the site area. As noted the applicant's sunlight study indicates that the open spaces will receive sufficient access to potential sunlight.

- CE Comment, Daylight and Sunlight Impacts - The applicant notes that an updated Daylight & Sunlight Analysis assessed every habitable room within the proposed development which confirmed that the scheme meets the required best practice standards - including achieving a 2% Average Daylight Factor(ADF) target for combined K/D/L spaces with also many tested rooms exceeding or getting close to an ADF of 5%. The applicant notes that their study also assessed the level of sunlight on amenity areas within the scheme and adjacent to the scheme, all of which passed the best practice guidance as they achieve at least 2 hours of sunlight on March 21 and/or do not fall below 0.8 of their original 'value'. The applicant notes that their assessment also took into account third party lands at the pump house site and which confirmed that the development would not have an adverse impact on their existing amenity (as did the concurrent proposal in relation to the subject scheme)...The applicant's study notes that there will be some diminishment to a few opes in existing dwellings located to the north of the site but that loss will be negligible... It is recommended that impacts on existing and proposed access to daylight and sunlight are minimised.
- CE Comment, Micro-Climate, Solar glaze/dazzle - ...There would be a concern that some solar panels, while mostly set back from the southern boundary, might potentially create some solar dazzle in relation to the outlook of occupants of a future developed scheme on the pumphouse site to the south.
- CE Comment, Overlooking/Privacy - The development does not appear to come any closer to adjoining existing 3rd party sites than the recently refused SHD proposal – where it is noted ABP had no issue with setbacks to neighbouring sites or had concerns about overlooking - with all proposed active elevations more than 22m from existing opposing active elevations. It would appear that there are at least c.11m setbacks from proposed windows and balconies to the north of the scheme to the northern boundary with Grattan Wood – where the existing blocks are set further back from the party boundary and in excess of 22m away from the subject site's active elevations. While the 3rd party to the north also claims that their site is actually 2m lower than shown relative to the subject site – it is noted that beyond the 22m

setback in the Development Plan – there is no specific ‘escalating rule’ i.e. the higher one goes then the further back you need to be from a 3rd party. It is also noted that some of the opposing active elevations are not directly opposite each other – with the relatively angling between windows reducing the scope of potential viewing cones in relation to 3rd party elevations to some degree.

- ABP’s main concern with the previous proposal was rather over the impacts on residential amenity within the SHD site due to the proximity of blocks and elevations to each other... There would still be a number of residual issues that could be potentially improved upon. For example it would be preferable that the potential conflict due to the proximity of the bedroom opens of similarly arranged apartments as BC.0221 and BD.0207 respectively - with the side living room windows of similarly arranged apartments as BC.0220 and BD.0206 was addressed – possibly by applying some form of external fin/louvred treatment to the secondary bedroom windows. There may also be some scope to redirect the overlooking cones of the more secondary opens in the eastern elevations of Block B2 and Block A2 away from elevations opposite... While the subject SHD still remains close to the party boundary to the south –the inverted U-shaped arrangement of the eastern perimeter block will generate a much less intensive interface with the concurrent proposal to the south (albeit the latter rises to 13-storeys rather than 11-storeys) while also proposed Block D’s southern gable elevation will have opaque glazing treatments to its end windows , with the balconies facing eastwards or westwards at the end of Block D having high southern screens where it addresses the concurrent proposal. It is also considered that the active elevations of Block C are sufficiently far away from active elevations on the site to the south... It is considered that all the privacy of the internal accommodation of all non-studio units will benefit from having their own hall/lobbies.

- CE Comment, Traffic/Access/Parking – No issues raised.
- CE Comment, Conclusion - The provision of an apartment scheme at this location is considered appropriate. The Planning Authority would have concerns regarding the height and density of proposed structures and its proximity to neighbouring residences particularly to the Grattan Wood development to the north and potential development lands to the south. Having regard to the Urban Development and Building Heights: Guidelines for Planning Authorities 2018 and the

Urban Housing –Design Standards for New Apartments-Guidelines for Planning Authorities 2020, on the basis of the information received it is considered that the proposed development, subject to addressing the issues of overlooking, overshadowing, obstruction to daylight to neighbouring residences, and appropriate measures taken to minimise residential amenity conflicts for future occupants of the development, which may be addressed by condition, is therefore considered acceptable.

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

The Chief Executive's Report recommends a grant of permission, subject to 19 conditions. I note the following condition:

C1 – The Planning Authority requests that if permission is granted by the Board that a condition is attached which requires the inclusion of the following amendments:

a) That the proposed apartment blocks as developed come no closer than 11m to the northern boundary, and that any active window or balcony is suitably treated or its viewing cone redirected where it will be less than 22m to any active window or balcony in the Grattan Wood development to the north.

b) That resident communal amenity/service rooms be restricted to ancillary/supporting communal use for the residential scheme.

c) That a light pale colour brick treatment be used instead of light coloured renders especially within the podium courtyard areas.

d) That any extensive areas of blank facades shall be softened with additional natural screening where feasible which may include the use of planted trellising. Details of same shall be submitted for the written agreement of the planning authority.

e) That the external roadside boundary treatments to the subject site is coordinated with any approved external site boundary to the adjoining pump house site to the south as best as possible.

f) That the natural planting to the northern boundary be enhanced as much as possible. A trade-off between surface parking and additional planting along the northern boundary should be considered – with at least provision for additional tree planting between the perimeter parking bays.

- g) That shadowing over 3rd parties be minimised to within the recommended tolerances set out in the BRE's 2011 Site Layout Planning for Daylight & Sunlight.
- h) That any obstruction of daylight to existing and potential 3rd party residential areas be minimised to within the recommended tolerances set out in the BRE's 2011 Site Layout Planning for Daylight & Sunlight
- i) That solar panels are arranged so as not to create any undue negative impacts to the outlook of occupants of a future developed scheme on the pumphouse site to the south.
- j) That the overlooking viewing cones from bedroom opes of similarly arranged apartments as BC.0221 and BD.0207 respectively are redirected away as much as possible from the adjacent side living room windows of similarly arranged apartments as BC.0220 and BD.0206
- k) That the overlooking viewing cones of the more secondary opes in the eastern elevations of Block BB2 and Block BA2 in the western perimeter block are redirected away from elevations opposite in the eastern perimeter block as best as possible.
- Reason: In the interests of residential and visual amenity

9.0 Prescribed Bodies

The applicant notified the following prescribed bodies prior to making the application:

- Irish Water
- Department of Cultural Heritage and the Gaeltacht
- An Taisce
- Heritage Council
- Irish Aviation Authority
- Transport Infrastructure Ireland
- National Transport Authority
- Dublin Childcare Committee

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

9.1.1. Department of Housing Local Government and Heritage:

- On the basis of the results of the test excavations carried out on the development site and the conclusions of the assessment report there are no further archaeological requirements in this case.
- It is proposed to remove the great majority of the existing trees on the site in order to facilitate the construction of 413 apartments in two large blocks. Of 384 individual trees and groups of trees identified in the arboricultural survey, it is intended to remove 342 trees. The trees on the site were all apparently planted, most are relatively young, and 45% of the total stock consists of Leyland cypresses whilst the bulk of the rest are also of non-native species. Overall from a nature conservation perspective their loss cannot be considered significant. However a row of Leyland cypresses along the western boundary of the site is initially being retained during the construction phase of the proposed development to screen the residences to the west of the site from the construction works. On completion of the apartment blocks this tree row is then to be removed, apparently for aesthetic reasons. This is regrettable as bird surveys of the site recorded the presence of eight species, seven of which are tree nesting species, and some of which are likely to nest in these trees. Though the bird species concerned are all common species, given the scale of tree removal intended over the site as a whole, it would seem desirable to avoid the unnecessary loss of nesting habitat, which it appears is what is being proposed in the case of the felling of this row of trees. It would also seem desirable that there is no removal of vegetation from the site during the bird breeding season as this could be expected to lead to the direct destruction of eggs and nestlings.
- In view of the protection afforded the breeding and resting places of bats by the Habitats Directive a licence to derogate from this directive to destroy the Leisler's bat mating roost has therefore already been applied for by the applicant to the National Parks and Wildlife Service of this Department. Because the abundance of the Leisler's bat in Ireland, the loss of the mating roost was not deemed likely to have a significant impact on the conservation status of this species and the NPWS has consequently granted the derogation licence requested. The Mammal Assessment report supporting the present application recommends that immediately before their demolition the two buildings on site are checked for bats by a bat specialist. The Leisler's bat mating roost tree is also to be checked for bats before felling and its

removal supervised by such a specialist. This report also proposes the installation of a number of bat boxes and a bat friendly lighting regime for the new development which has been taken account of in preparing the design of the external lighting for this scheme.

- The following conditions are recommended:
 1. That the row of Lawson cypress trees on the western boundary of the development site is to be retained following the completion of construction of the proposed development. Reason: To support biodiversity in the development proposed by retaining bird nesting habitat.
 2. That any clearance of vegetation from the development site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season. Reason: To avoid the destruction of the nests, nestlings and eggs of breeding birds.
 3. That the measures to conserve bats proposed in the Mammal Assessment supporting this application are implemented in full, including inspection of buildings by a bat specialist prior to their demolition, where necessary the supervision of tree felling by a bat specialist, and the installation of four 2F Schwegler bat boxes and two Vivara Pro-Build bat tubes and bat friendly lighting; the design for the lighting to be signed off on by a bat specialist and to be submitted to the planning authority for its written approval before the commencement of development works on site Reason: To conserve bat species which are afforded a regime of strict protection under the Habitats Directive (92/43/EEC).

9.1.2. Transport Infrastructure Ireland: No observation.

10.0 **Assessment**

10.1. **Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having

regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Density and Dwelling Mix
- Layout, Height and Design
- Biodiversity and Ecology
- Residential Amenity of Neighbouring Properties
- Quality and Residential Amenity of Proposed Development
- Community Infrastructure Audit and Childcare Analysis
- Traffic, Transportation and Access
- Water Services including Flood Risk Assessment
- Material Contravention
- Other Matters

These matters are considered separately hereunder.

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

10.3. **Principle of Development**

10.3.1. The proposed development comprises the construction of 413 no. apartment units, a childcare facility (approximately 150.6sqm), and ancillary development including public open space, communal open space, 298no. car parking spaces and 778 no. bicycle parking spaces. The apartments are provided in two separate blocks, labelled A1-B2 and C-D2, ranging in height from 5-7 storeys over ground.

10.3.2. I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The site is zoned Z1, the objective of which is 'To protect, provide and improve residential amenities'. Residential use is a permissible use, as is the childcare use.

- 10.3.3. I note the site is located within Strategic Development and Regeneration Area 1 North Fringe (Clongriffin-Belmayne), as set out in the Dublin City Development Plan 2016-2022. Guiding principles for this SDRA have been outlined in section 15.1.1.1 of the Plan and the proposal generally accords with these guiding principles. The site is also within the area of the Clongriffin-Belmayne LAP 2012-2018 (as extended).
- 10.3.4. The principle of residential development is acceptable on these Z1 zoned lands, subject to detailed planning considerations, as set out hereunder.

10.4. **Density and Dwelling Mix**

- 10.4.1. The application site is located within the Dublin City and Suburbs area of the Metropolitan Area, as per the Dublin MASP. The site is governed by zoning objective Z1 'to protect, provide and improve residential amenities' as per the Dublin City Development Plan 2016-2022. The proposed development comprises 413 units on a net site of 1.9ha, resulting in a net density of 217 units/ha. The plot ratio for the site is 1.4, which is in accordance with the indicative plot ratio of 0.5 – 2.0 for Z1 lands in the outer city. The site coverage is 45%, which is within the indicative site coverage of 45% - 60% for Z1 lands.
- 10.4.2. Observer submissions have expressed concern in relation to the density proposed being excessive and out of keeping with the area, concern in relation to the accuracy of the site area and density figures and accuracy of the plot ratio figure.
- 10.4.3. The submitted CE Report considers the density appropriate for the site given its location served by a high-quality public transport route and having regard to the Clongriffin-Belmayne LAP which does not set an upper limit on density. The CE Report also notes that the principles of SDRA1 North Fringe (Clongriffin-Belmayne), as set out in Section 15.1.1.1 of the development plan, include an Objective to achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.
- 10.4.4. In terms of the national policy context, the National Planning Framework (NPF) 2018 promotes the principle of 'compact growth' at appropriate locations and requires at least half of new homes within Ireland's cities to be provided within the existing urban envelope. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. Of relevance is

objective 35 of the NPF which prioritises the provision of new homes at increased densities in settlements where appropriate. The site, as per the Dublin MASP, is located within the Dublin City and Suburbs area of the Metropolitan Area, which promotes consolidated growth of brownfield/infill sites, as supported by RPO 4.3. Section 28 guidance, including the Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, provide further guidance in relation to appropriate densities.

- 10.4.5. The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. With regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 10.4.6. The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 10.4.7. The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The guidelines address in detail suitable locations for increased

densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

10.4.8. The Dublin City Development Plan 2016-2022, specifically Section 4.5.3 and policy SC13, promotes higher densities in appropriate locations, including in SDRAs and within the catchment of high capacity public transport. The plan states that ‘density standards set out in this plan will promote the development of high quality, sustainable densities and the consolidation of urban form. This approach is consistent with, and has been informed by, Guidelines for Planning Authorities on Sustainable Urban Development (Cities, Towns and Villages), (Department of Environment, Heritage and Local Government, 2009), and its companion document, Urban Design Manual: A Best Practice Guide...with inter-linked sustainable standards and safeguards throughout the Development Plan, all designed to ensure that quality density is delivered through a variety of mechanisms such as contextual streetscapes, urban form, stepped heights in transitional zones, together with open space standards and amenity standards’.

10.4.9. The application site, which is located within SDRA1 North Fringe (Clongriffin-Belmayne), is in my opinion an underutilised serviced site within the metropolitan area of Dublin, which is well placed to accommodate high density residential development given its proximity to a high frequency urban bus service, with stops proximate to the site boundary (within 500m), existing cycle infrastructure on Hole in the Wall Road, and footpaths/crossing points serving the site connecting it into the wider street network. In addition the existing Clongriffin Railway Station is 1.2 km from the site, which is 20 minute walk/short cycle from the site and connects the site within a relatively short commute to other parts of the city. I note there are plans to increase further the existing high frequency bus service along the R139 and Hole in the Wall Road through BusConnects. I refer the Board to Section 10.10 hereunder in relation to transportation. I further note the proximity to Donaghmeade and Clarehall shopping centres, to high quality public open space of Father Collins Park and Donaghmede Park, to other local services and amenities, and location within walking distance or a short commute (cycling, bus, train) of a range of employment options including the industrial estate to the east of the site, Dublin Airport, and Dublin City Centre.

10.4.10. I am satisfied that the application site is sequentially well placed to accommodate compact growth in this developing urban area and is appropriate within the national and local policy context, subject to an assessment of design and amenity standards, which are discussed further in detail hereunder.

10.4.11. Dwelling Mix

The unit mix is as follows:

	Studio	1 bed	2 bed	Total
Apartments	65	140	208 (of which 17 are 2 bed/3 person)	191
As % of total	16%	34%	50%	100%

10.4.12. The 2020 Guidelines on Design Standards for New Apartments state under SPPR 1 that 'Housing developments may include up to 50% one-bedroom or studio type units ... and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)'. The proposed development is in compliance with these standards. I have further considered SPPR4, subsection 2 and 3, of the Building Height Guidelines which support a greater mix of building heights and typologies in planning for the future development of suburban locations and avoidance of mono-type building typologies, which the proposed development would support.

10.4.13. Section 16.10 of the Dublin City Development Plan 2016-2022 states apartment developments >15 units shall contain a maximum of 25-30% one bed units and a minimum of 15% 3 + bed units. The proposed development does not meet the minimum requirement for 3 bed units and exceeds the maximum for one bed units. I note the submitted Material Contravention Statement considers the proposed development is a material contravention of the development plan in relation to unit mix. The CE Report highlights compliance with SPPR of the Apartment Guidelines. The proposed housing mix is consistent with SPPR 1 of the

Apartment Guidelines and SPPR4 of the Building Height Guidelines. However, the Board may wish to take a precautionary approach in relation to the matter of material contravention, as discussed in Section 10.12 hereunder.

10.4.14. I am satisfied that the development is in accordance with SPPR1 of the Apartment Guidelines and that permission for the development should be granted having regard to section 28 guidelines, specifically the Design Standards for New Apartments Guidelines for Planning Authorities, which were adopted subsequent to the current City Development Plan. **SPPR4, subsections 2 and 3, of the Building Height Guidelines further** The Apartment Guidelines recognise that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The proposal in my opinion serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community, which has traditionally been served by standard housing.

10.4.15. While concerns are raised in submissions that apartment developments will lead to transient populations, and the scale of smaller units is unsupportive of family living, there is no evidence to support this assertion in relation to transient populations and the wider area historically comprises a large number of family size dwellings. The prevailing context is of an attractive well serviced urban area, being a short commuting distance from a range of services, amenities, and employers, including those in the city centre. I consider that the proposed apartment accommodation overall is acceptable at this location, will not lead to an oversupply of apartments having regard to the context of the wider area, will support a variation in typology for different sectors of society, and is in line with the overarching national aims to increase housing stock, including in the apartment sector, as set out in various policy documents, including, but not limited to, Rebuilding Ireland – Action Plan for Housing and Homelessness (2016) and Housing for All – A New Housing Plan for Ireland (2021).

10.5. **Layout, Height and Design**

Overall Layout

- 10.5.1. The layout of the scheme has been informed by the existing site context, the predominant factors being the adjoining streets of the R139 and the Hole of the Wall Road, neither of which have an active frontage at present; and the context of the existing apartments to the north (Grattan Wood) and houses to the west (Grattan Lodge).
- 10.5.2. The proposed development comprises two blocks of apartments, with a maximum height of 7 storeys over ground. One of the blocks is labelled A1, A2, B1 and B2 (which I will refer to as Block A-B in this report), and the other block is labelled C, D1 and D2 (which I will refer to as C-D in this report). Block A-B (the western most block) is C shaped and Block C-D (the eastern-most block) is an inverted U shape. The blocks have frontages to both the adjoining R139 and the Hole in the Wall Road, with the southeast corner of the site bounded by an adjoining vacant site/site of a pumphouse which has a concurrent application for an apartment development on it. Block A-B has a height of 5 and 6 storeys at its southern boundary with the R139, the western and northern arm of the block is 5 storeys, with the northeastern/eastern section rising to 7 storeys. Block C-D has a height of predominantly 6 and 7 storeys at its southern boundary, with a short section of 5 storeys. The western arm is 5 storeys rising to 6 storeys toward the southern end/toward the R139, the northern arm is 5 storeys, and the eastern arm to the Hole in the Wall Road rises from 5 to 7 storeys at the southern end of the arm, toward the junction with the R139. Residential amenity areas are proposed on the ground floor levels of the two blocks. While concerns are raised in relation to potential for these to become retail/commercial units, this is not what the applicant is applying for and these rooms are proposed for use by the residents of the development. Undercroft parking is provided in the centre of the two blocks over two levels, with podium level open space above each undercroft section. I note a portion of each of the centre block area in each block is not covered by the podium and interfaces with a separate area of open space at grade. Additional surface level car parking is provided along the northern boundary and around a triangular circulation space north of Block C-D.
- 10.5.3. In terms of movement about the site and between blocks, some of the routes to apartments appear awkward and overly lengthy in areas, however, on balance the overall pedestrian permeability east-west between the blocks and north south through the site is a positive element of the development. Issues in relation to

movement and access to apartments is discussed further in section 10.8 hereunder and can in my opinion be adequately addressed by way of condition.

10.5.4. In terms of how the blocks connect into the adjoining streets, there is provision for two pedestrian access points onto the R139 and an emergency vehicular access. A combined vehicular and pedestrian entrance is proposed onto the Hole in the Wall Road, in addition to a separate pedestrian/cyclist access, which connects into a perimeter path within the development. While overall permeability across the block is considered acceptable in terms of provision for pedestrians, I note that the pedestrian entrances to the development are proposed to be gated, which would appear to suggest that access will be restricted to residents only, which is contrary to the principles of the Urban Design Manual in terms of connectivity and permeability. I note policy QH10 of the Dublin City Development Plan 2016-2022 states it is policy 'To support the creation of a permeable, connected and well-linked city and discourage gated residential developments as they exclude and divide established communities'. Chapter 16 in relation to development standards further states 'Gated developments will be discouraged as they prevent permeability'. In the interests of permeability and social inclusion, a condition is recommended to ensure no pedestrian gates/barriers are erected at the pedestrian entrances into the development. I further consider an additional pedestrian access from the R139 at the location of the proposed emergency vehicle access would be warranted to facilitate access to the proposed public open space along the western boundary of the site. While each application is assessed on its own merits, I note a previous permission on the St. Columban Missionaries portion of the site included for a pedestrian access at this point which allowed for greater access to the public to this space and allowed for greater permeability across the scheme.

10.5.5. In terms of the design and elevational treatment of the proposed blocks, I consider that the overall treatment and variation in terms of materials and fenestration, together with the changes in height and modulation of the building line, which addresses both the R139 and Hole in the Wall, will ensure that sufficient visual interest is created onto both adjoining streets and an active urban edge is created. I note concerns raised in an observer submission in relation to the monolithic appearance of the blocks when viewed from the north. While the blocks proposed are larger than those in the existing Grattan Wood development, being

predominantly 5 storeys with a central section rising to 7 storeys (this 7 storey section being 18.49m wide), I am generally satisfied that the elevational treatment and the design/scale of the blocks, with the central modulation in height will ensure that the development does not read as a monolithic block. The submitted CE Report recommends a condition to address the details of the materials proposed in particular where render is proposed. Given the scale of the development and potential weathering issues with render, I consider a condition in relation to the exact detailing of the materials is warranted.

10.5.6. I note one observer raises concerns in relation to potential for bird collisions during construction and operation. With regard to detail submitted in relation to finishes and potential for bird collisions, it is stated in the submitted documentation that this was a consideration in the palette of materials ultimately chosen, with the biggest risk to bird collision being curtain glazing. It is stated that the palette of materials chosen would not give rise to increase bird collision. It is further noted that the ecologists engaged as part of the design of the proposed development did not record the site as being within any noted bird flight paths and I note the distance and associated QIs of European sites/SPAs in the area. In terms of construction phase impacts, there is nothing to suggest that a bird would not simply fly around or over any new obstruction in the environment to avoid it.

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

Height and Design

10.5.8. The two buildings are 5-7 storeys in height, with the overall heights as follows:

- Block A-B has an overall height of 18.92m (6 storey element) facing onto the R139; with the western 5 storey element having an overall height of 15.65m; the northern 5 storey element 17.05m; and the northeastern 7 storey element having an overall height of 23.3m (24m if include equipment on the roof).
- Block C-D has an overall height of 17.05m along its 5 storey northern/northwestern/northeastern arm; 21.9m relating to the 7 storey arm to the southeast; and 18.92m relating to the southwestern 6 storey arm.

10.5.9. Section 16.7 of the current development plan 'Building Height in a Sustainable City' allows for a maximum height of up to 16m in the outer city. The heights proposed are stated in the Material Contravention Statement to be a maximum of 22.5m, therefore they exceed this limitation. I note from the elevations submitted that the 7 storey element has a stated overall height of 24m. Notwithstanding the discrepancy in the document, the height is either way a material contravention and I am satisfied from the drawings submitted that the scale of the development has been accurately indicated relative to the neighbouring properties. The Clongriffin Belmayne LAP has not set height parameters for the application site. The application is advertised as a material contravention of the Development Plan and a Material Contravention Statement has been submitted in relation to height, as well as two other matters (see section 10.12 hereunder).

10.5.10. The submitted CE Report notes the proposed height of the building exceeds the height limit for the outer city and notes the LAP has no specific height objectives relating to the application site. The report refers to the Building Height Guidelines, and notes the previous ABP decision on this site and other sites within the area where material contraventions in terms of height were permitted by ABP. The CE Report considers "the overall stepping-up arrangement on the main southern and eastern road frontages towards the site's south-eastern corner allows development of the adjoining pump house site to potentially ramp-up and culminate into a local wayfinding corner structure. It is considered that there is a sufficient visual development gap between the existing low-rise apartment scheme to the north and the height of subject site's northern blocks".

10.5.11. While one submission supports the height of the development and considers an additional floor should be permitted, other submissions have raised concerns in relation to suitability of the height, scale and massing of the proposed development in this area and its impact relative to the 2-3 storey dwellings to the west and the 3.5-4.5 storey apartments at Grattan Woods to the north. It is contended that the submitted height does not respect the existing built environment or contribute to the area, is excessive, is a material contravention of the Dublin City Development Plan and is contrary to national guidance, including the Building Height Guidelines and Apartment Guidelines and associated SPPRs.

10.5.12. I have examined national as well as local policy in the assessment of the issue of building height. The Urban Development and Building Heights Guidelines for Planning Authorities provides a detailed national planning policy approach to the assessment of building height in various urban locations and recognises the need for our cities and towns to grow upwards, not just outwards, in order to achieve and deliver compact growth. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPR3 and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards, including national policy in the National Planning Framework, particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements. In addition to the architectural drawings and design statement submitted, I refer the Board to the submitted photomontages, specific assessments including a Daylight and Sunlight Assessment Report and a Microclimate Wind Analysis. I have had regard to all documents submitted and submissions made and have viewed the site from various locations. I have addressed the issue of a possible material contravention of the Dublin City Development Plan 2016-2022 in Section 10.12 below, and I provide further assessment of height against the criteria in section 3.2 of the Building Height Guidelines hereunder, given the development plan indicates a blanket maximum height of 16m for the location of the application site, while the proposed development has an overall maximum height (including roof equipment) of 24m.

10.5.13. The first criterion under section 3.2 of the Building Height Guidelines relates to consideration of the site at the scale of the city. The subject site is located with frontage onto the R139 and Hole in the Wall Road, with a quality bus corridor adjoining the site and cycle facilities also available. The site is within 500m of a bus stop, with frequent services of a high capacity. Clongriffin is the nearest DART station, which is located 1.2km north-east of the site, which provides for additional connections to the wider city area and is a short cycle trip/walk from the site. I refer the Board to Section 10.10 hereunder in relation to Traffic and Transportation. There are notable plans for increasing public transport capacity along the R139 in the

future via BusConnects. While there are plans to upgrade and improve modes of public transport and sustainable movement in the area, this is not to say that the existing options available are not high frequent or efficient. I consider the site is ideally located and serviced with options and links between public transport and more active modes, and is at a location which will further build on such sustainable options in the future. Supporting a shift in modes of transport to walking and cycling will ultimately benefit all in the community and the proposed development provides for a high level of connectivity into the surrounding network in this regard. There are a number of amenities in the area, including Father Collins Park, as well as accessibility to range of employers within a relatively short commute. I note in particular the proximity of services such as the shopping centre at Donaghmede and Clarehall. I am overall satisfied that the level of public transport currently available is of a scale that can support this future population, and alternative options of walking, cycling, and the DART are available. Additional planned services in this area by way of BusConnects will be supported by providing for a critical mass of population at this accessible location within the Metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

10.5.14. At the scale of the district/neighbourhood/street, I have had regard to the character of the existing area, site levels of the existing and adjoining areas, and considered whether the proposed development would make a positive contribution to the character and public realm of the area. The site is not within or adjoining an ACA, there are no protected structures on the site or immediately adjoining the site, and there are no designated views in the area. I have had regard to the submitted elevations, cross sections, and photomontages. While I note concerns raised in relation to the photomontages submitted and lack of a landscape visual impact assessment, I consider the information submitted sufficient to address the visual impact of the proposed development.

10.5.15. The R139 and Hole in the Wall Road are currently weak in urban form at this location given the vacant nature of the site/set back of existing buildings from the street edges with lack of active frontages, and low rise development to the west and east, along what are existing very wide and very busy poorly defined routes. The R139 in particular has in the past been characterised by large set backs with backs of houses and high walls bounding the route resulting in a poor public realm, lacking

in passive surveillance and facilities for pedestrians. This area has evolved in character in recent years from traditional two storey dwellings as developed on the southern side of the R139 and to the east, to developments comprising a number of high density apartment blocks, providing definition to street edges and legibility to the area. To the north is Priory Hall (5-6 storeys), to the northeast is the Clongriffin area with buildings of 5/6/7 storeys and developments more recently of up to 17 storeys permitted at the DART station, and to the northwest is Belmayne, which comprises apartment schemes of 6/7 storeys. The design of the proposed apartment blocks will in my opinion create a positive urban edge, with the 5-7 storey buildings creating a greater sense of place and legibility on these vacant lands at this juncture of the R139 and Hole in the Wall Road . The proposed development in my opinion will not be out of character in terms of height and design having regard to the existing context, but will integrate with and enhance the adjoining public realm and evolving urban form. I am satisfied that the breaking up of the development into two blocks with openings to the east and south, the proposed variation in materials, variation in height, and the manner in which the elevations are designed and broken up, will deliver a development of sufficient density and of high quality that will make a positive contribution to the streetscape, to place making in the area, and overall to the evolving urban form along the R139 and Hole in the Wall Road.

10.5.16. With regard to Grattan Wood to the north and two storey dwellings to the west, I acknowledge that the development will be of increased scale compared to the immediately neighbouring sites, however, given the distance from the site to these boundaries (10-15m to the north and 22-23m to the west) and given the design and lower height of the blocks at the boundaries, I consider that the proposal has overall had due regard to the context of the existing dwellings and will not detract from the existing character or setting of these dwellings. While the view from adjoining developments will be altered with this development, the increased visibility of buildings on this site is not harmful in my view and the level of visual change is appropriate for the urban location of the site, where a varied density and scale of development is to be expected, particularly given the changing nature of development in the area and development plan policy for consolidation.

10.5.17. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood and streetscape, as stated above I note the proposed

development will alter the visual character of the area, however, I consider that on balance this is consistent with emerging trends along the R139 and Hole in the Wall Road and is consistent with new development in the city generally being at an increased scale, which in my view is more appropriate to the urban context and accessibility of the area. The proposal in my opinion responds appropriately in terms of the urban edge along the adjoining streets and contributes to the legibility of this section of the road and activity along its frontage. With regard to the proposed design, I note the overall positioning of the blocks and overall height has taken account of development on adjoining sites and development potential of the vacant site to the southeast, and the modification in height and building line will ensure avoidance of a monolithic profile. I note this area is evolving, with more mixed typologies and increased densities being permitted in what historically has been a two-storey suburban area.

10.5.18. As per the Building Height Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in Section 10.7 the impact of height on residential amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy, as well as consideration of specific assessments submitted including a wind analysis report, assessment of potential impact on flight lines or bird collisions, and consideration of telecommunications infrastructure. I consider the specific assessments submitted are sufficient to assess a development of the scale proposed.

10.5.19. Overall, I consider that the proposed development satisfies the general considerations in relation to height as set out in the Building Height Guidelines, in particular the criteria set out in paragraph 3.2 of the Guidelines and I consider the site, which is located within an SDRA as defined by the Dublin City Development Plan 2016-2022, has the capacity to absorb a development of the nature and scale proposed and the design, height and layout are in my view acceptable.

Open Space

10.5.20. The Dublin City Development Plan under Section 16.10.3 states that 'Public open space is open space which makes a contribution to the public domain and is accessible to the public for the purposes of active and passive recreation, including relaxation and children's play. Public open space also provides for visual breaks

between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats. In new residential developments, 10% of the site area shall be reserved as public open space’.

10.5.21. Public open space is proposed along the western boundary of the site, with a number of trees in this area to be retained. A larger band of cypress trees is proposed to be retained during construction for visual reasons and removed when development is complete. Two smaller communal open spaces are proposed at ground level within the centre of the blocks, in addition to and adjoining first floor podium level communal open spaces. The face of the car park wall adjoining the ground level open space is to be finished with louvred openings with planting along the boundary. Access to the podium level open space above the parking is via steps from the adjoining ground level space, with lift access via the proposed cores to the apartments. Public open space is stated to be 5293sqm and communal open space is stated to be 3267sqm.

10.5.22. I consider the proposed ‘public open space’ section along the western boundary of the site adequate in terms of its size, being greater than 10% of the site area, and also in terms of its design. I note the CE Report considers the proposal meets the development plan requirements in terms of open space and no contribution in lieu of open space is recommended in the report or recommended conditions attached. I consider public access to this western public open space area would be greatly improved with the provision of a pedestrian entrance adjoining the proposed emergency vehicular access at this location. This could be addressed by way of condition should the Board be minded to grant permission. The communal open spaces at both ground level and first floor level are acceptable and while movement/access to the upper level space is not adjoining where the steps are proposed, the spaces at that level are nonetheless accessible. I consider a condition is warranted in relation to the detail of the louvred wall finish to the car park and proposed planting plan adjoining the wall to ensure the visual interface of the car park wall with the adjoining areas is of a high quality and the finishes to the external wall of the car park are of a high quality.

Conclusion – Layout and Design

10.5.23. Overall, I am satisfied that the development is reflective of good contemporary architecture and provides a high-quality design approach and is accordance with section 3.2 of the Building Height Guidelines. The proposed development adequately addresses the issues of proximity to high quality public transport connectivity; contribution to the character and public realm of the area, to place-making, to the urban streetscape, to legibility and to the mix of uses in the area. I consider in relation to the visual impact and impact on the streetscape that the proposal is of a high standard. The provision for improved activity and engagement at street level, permeability externally and internally within the scheme, and enhancements to the public realm are elements which in my view will result in a positive urban environment.

10.6. **Biodiversity and Ecology**

Ecological Impact Statement

- 10.6.1. An Ecological Impact Statement, dated July 2021, was submitted with the application. Habitat and Flora Surveys of the site were undertaken on 26th September 2019 and 20th April 2021. A separate Bat and Mammal Survey was also undertaken. I am overall satisfied that the methodology set out is robust and acceptable having regard to the content of the surveys.
- 10.6.2. There are no streams or water features on the site. The site is within the catchment of Mayne River, which is approximately 1km to the north of the site. None of the works proposed will affect groundwater and groundwater-dependent terrestrial habitats.
- 10.6.3. There are no alien invasive plant species growing on the site as listed on SI No 477 of 2011. There are no protected plant species growing on the site. There are no habitats that are listed on Annex I of the Habitats Directive.
- 10.6.4. Habitats are listed as building and artificial surfaces mosaic; the northern and south boundaries are characterised by treelines of low biodiversity value; an immature woodland – WS2 can be found to the west and north-east of the southern portion of the site which can be assessed as of high local value; and there are a number of tall aspect trees found to the northwest of the land. It is stated in the submitted Ecological Impact Statement that the habitats are mainly negligible value habitats, with an area of locally value woodland. Woodland and Aspen trees along the

western boundary are to be retained, along with selected trees on the eastern boundary. The loss of the existing habitat types is considered not significant.

- 10.6.5. With regard to bats, one roost was discovered on the site. This roost will be lost due to the removal of the poplar tree which serves as a Leisler's mating perch. This is a long-term moderate negative impact. I note a derogation licence is stated to have been obtained in relation to this issue. A submission from the DAU states 'Because of the abundance of the Leisler's bat in Ireland, the loss of the mating roost was not deemed likely to have a significant impact on the conservation status of this species and the NPWS has consequently granted the derogation licence requested'.
- 10.6.6. No evidence of badgers, such as setts, snuffle holes, trails, latrines etc, was found on site.
- 10.6.7. The habitats available onsite are not suitable to support Ireland's only protected insect species- the marsh fritillary butterfly *Euphydryas aurinia*.
- 10.6.8. With regard to birds, the report identified the presence in April of Robin *Erithacus rubecula*, Wren *Troglodytes troglodytes*, Magpie *Pica pica*, Wood Pigeon *Columbus palumbus*, Willow Warbler *Phylloscopus trochilus*, Long-tailed Tit *Aegithalos caudatus*, Jackdaw *Corvus monedula* and Blue Tit *Parus caeruleus*. During the September survey the following species were noted: Blue Tit *Parus caeruleus*, Magpie and Wood Pigeon. These birds are indicated to be of low conservation concern (Gilbert et al., 2021). The woodlands provide the necessary cover to allow these species to breed.
- 10.6.9. I have examined the proximity of the site to European sites, in particular SPAs and the potential for bird collisions is ruled out as the proposed development is not located on a major migration route, or in close proximity to any SPAs. There are in addition numerous similar-scale buildings in the vicinity of the proposed development meaning that the proposed buildings will not rise greatly above the surrounding landscape. There is no reason to believe that bird flight paths will be affected or that birds in the area could not simply fly over or around such structures, which are not significant in height in this context. While there is some potential for short-term disturbance of bird species foraging within the lands at the early stage of construction, it is anticipated that birds identified, which are typical of such an urban environment frequented by people, will acclimatise to human presence.

- 10.6.10. The site is not located within or adjoining a European site. A potential source-pathway-receptor link through hydrological means has identified indirect connectivity via the surface water and foul water networks from the proposed development site and European sites. This is discussed further in Section 11, which addresses Appropriate Assessment Screening.
- 10.6.11. The Ecological Impact Statement outlines a range of mitigation measures, including removal of vegetation outside of the nesting season (1st March to 31st August inclusive); derogation licence in relation to the bat roost; checking of the tree perch by a bat specialist for the presence of bats prior to removal; all buildings must be checked for bats by an ecologist immediately prior to demolition; bat boxes; planting of native trees and shrubs to mitigate loss of vegetation from the site; prevention of light pollution; provision of a dark sky area; and monitoring of the bat boxes. It is stated in the submitted Mammal Report that a Derogation Licence has been acquired from NPWS to allow for the removal and destruction of a mating perch. This derogation will require renewal if the date of operation expires prior to clearance operations. Cumulative impacts have been considered and no significant residual ecological effects are predicted, either alone or cumulatively with any other projects. I am generally satisfied with the mitigation measures proposed, none of which I note are related to the protection or management of European sites.
- 10.6.12. From the detailed surveys undertaken in support of the application coupled with observations on site, I am satisfied that the site is of low ecological value. With the implementation of mitigation measures as set out in the EclA, I am satisfied there will be no long-term negative impacts to the biodiversity of the site.

Trees

- 10.6.13. I have examined the Arboricultural Report and note the number of trees removed from the site to facilitate the development, in addition to the assessment of the varied quality of the trees in question. I note the site is not subject to any Tree Protection Orders and there are no site specific local objectives to protect trees on this site.
- 10.6.14. A report from the Department of Housing, Local Government and Heritage notes that of 384 individual trees and groups of trees identified in the arboricultural survey, it is intended to remove 342 trees. 45% of the total stock consists of Leyland

cypresses whilst the bulk of the rest are also of non-native species. From a nature conservation perspective, it is stated that their loss is not significant. The submission notes that 'a row of Leyland cypresses along the western boundary of the site is initially being retained during the construction phase of the proposed development to screen the residences to the west of the site from the construction works. On completion of the apartment blocks this tree row is then to be removed, apparently for aesthetic reasons'. The submission notes that this is regrettable as bird surveys of the site recorded the presence of eight species, seven of which are tree nesting species, and some of which are likely to nest in these trees. Though the bird species concerned are all common species, given the scale of tree removal intended over the site as a whole, it would seem desirable to avoid the unnecessary loss of nesting habitat. To this end a condition is recommended. While I appreciate that the retention of the Leyland cypresses may be desirable, I note the submitted arboricultural report highlights that these trees are not in good condition. A permission granted on the southern portion of the site by ABP (ref. PL29N.249368) contained a condition in relation to this area which states 'the Leylandii cypress tree belt to the west shall be retained during the construction period with the removal and replacement planting with mixed broadleaf varieties carried out on a phased basis over 10 years from commencement of works on site'. I consider a similar condition is warranted in this application and would address the concerns of the DAU in relation to the widespread removal of vegetation over a short period from the site.

10.6.15. The clearing of trees from the site to accommodate a residential development will inevitably have an irreversible visual impact on the surrounding area, however on balance, the application site lends itself to redevelopment and would constitute the sustainable use of a zoned serviced site at a central accessible location, therefore the removal of the identified trees is in my opinion warranted.

10.7. Residential Amenity of Neighbouring Properties

10.7.1. Concerns are raised on behalf of neighbouring residents in Grattan Wood in relation to overlooking, overbearance, loss of light, loss of privacy and amenity, impact on daylight/sunlight, with concerns that the development is excessive in terms of density, height, bulk and massing.

10.7.2. I have examined the layout proposed and where potential impacts may arise with neighbouring properties, in particular development to the north, development to the west, and the development potential of adjoining lands to the southeast.

Impacts on Privacy, Overlooking and Overbearance

10.7.3. Block A1/A2 and Block C/D1 are angled and staggered in their aspect toward the northern boundary. Block A1/A2 is opposite two blocks of apartments within Grattan Wood which are labelled on the site layout plan as Beech and Laurel. At its closest point, Block A1/A2 is approx. 10.6m from the shared boundary to the north and approx. 25m from the Laurel block in Grattan Wood. Block C/D sits opposite blocks labelled Walnut and Oak in Grattan Wood. At its closest point Block C/D is approx. 10m from the shared boundary and approx. 35m from the Oak block. I note from the cross sections submitted, that the ridgeline of Grattan Wood is indicated to be 33.5 m AOD, with the upper 7 storey level of Block A being 42.9-43.5m AOD, which is a height difference of c.9.4m-10m. I note the 7 storey element of Block A is set back a further 3m from the building line above the 5 storey level.

10.7.4. While concern is raised in a submission in relation to the accuracy of the measurements of distances to boundaries, levels, and contiguous elevations as shown on the applicant's drawings, I am satisfied having measured the submitted drawings and digital OS based maps, and having visited the application site and surrounds, that the scale of the site, levels shown, and distances measured are accurate. One obvious discrepancy on one of the drawings has been highlighted in the observer submission and I note this is a typographical error, and this error has not impacted my assessment of the proposed development. I consider the drawings clearly indicate for observers the positioning of the existing blocks and proposed blocks relative to each other and has not impacted on an observers ability to make a submission.

10.7.5. In terms of impacts of overlooking/loss of privacy on properties within Grattan Wood, the proposed development will alter the outlook for existing Grattan Wood residents as the development site is altered from an existing low density environment to a high density development. I do not consider the proposed change in outlook to be a negative or unexpected in this evolving urban location. I consider the site of sufficient scale and sufficiently separate from surrounding development to cater for a height

and density of the scale proposed and to determine its own character, whilst respecting the existing. The perception of overlooking from the apartments and their balconies will increase, however, any perceived overlooking is mitigated through the distances achieved between the proposed development and existing blocks and the distance from the shared boundary with an additional set back at the 6th and 7th floor levels provided for. I consider the separation distances reasonable and sufficient within an urban context and I do not consider significant overlooking issues arise, nor will the proposed blocks, notwithstanding height differences, be overbearing given the distance to boundaries and stepped heights and building lines.

- 10.7.6. While there will be increased activity at the northern boundary with provision for a street and parking spaces along this location, I do not consider the level of noise arising from cars will be particularly loud, obtrusive, or unexpected in this urban setting. The number of cars accommodated within the site is relatively low and traffic speed would be low, therefore I do not consider that traffic movement would give rise to a serious negative impact on the residential amenity of the residents in terms of noise or air pollution.
- 10.7.7. With regard to the positioning of the development from the western boundary, the proposed apartment block is at its closest point approx. 22.3m from the shared boundary, with an overall distance between the proposed block and the rear elevation of existing two storey dwellings in Grattan Lodge of approx. 33m. I note 10 of the 2-3 storey dwellings in Grattan Lodge share their rear boundary with the application boundary. Given distances involved, I do not consider significant overlooking or overbearance issues arise. While the outlook will be altered, as noted in my assessment above, I do not consider this overbearing or the character of development unexpected in this evolving urban environment.
- 10.7.8. With regard to impact on the development potential of the adjoining site to the southeast (which is subject to a concurrent application), I note that the proposed development of the two sites has involved consultations between the two developers as per submissions received. Each application is assessed on its own merits, however, I consider the manner in which the development addresses the southeastern boundary in terms of block location and fenestration pattern, and given the results of the Daylight and Sunlight Assessment which considered this block to

be in place, I consider the proposal would not undermine the development potential of the adjoining site.

10.7.9. I have also considered the storey dwellings to the south on the opposite side of the R139 in Elmfield Vale in terms of overlooking, loss of privacy and overbearance. Given the intervening use of the R139 and distance of approx. 34m to 13 Elmfield Vale and distance of approx. 56m to 12 Elmfield Vale, I do not consider significant impacts in terms of overlooking, loss of privacy or overbearance arises in relation to these properties.

10.7.10. I note the CE Report has considered impacts on residential amenity and considers the proposed layout and design of the scheme overall acceptable, commenting as follows: 'The development does not appear to come any closer to adjoining existing 3rd party sites than the recently refused SHD proposal...with all proposed active elevations more than 22m from existing opposing active elevations. While the 3rd party to the north also claims that their site is actually 2m lower than shown relative to the subject site – it is noted that beyond the 22m setback in the Development Plan – there is no specific 'escalating rule' i.e. the higher one goes then the further back you need to be from a 3rd party. It is also noted that some of the opposing active elevations are not directly opposite each other – with the relatively angling between windows reducing the scope of potential viewing cones in relation to 3rd party elevations to some degree'. As noted in my assessment above, I concur with the view of the CE Report in this regard.

Sunlight / Daylight

10.7.11. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions

must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.7.12. The applicant has submitted a Daylight and Sunlight Assessment, section 2 of which outlines the guidelines and standards used and the methodology applied. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight"; and British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting. I have considered the report submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), however, this updated guidance does not have a material bearing on the outcome of the assessment and the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

10.7.13. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state that although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards therefore described in the guidelines are one of a number of matters to be considered in a balanced and holistic approach to assessment of the site context and building design. I note that under BRE guidelines, the effects of trees are not included in an assessment. In relation to the effects of trees and hedges the BRE guidelines states, "It is generally more difficult to calculate the effects of trees on daylight because of their irregular

shape and because some light will generally penetrate through the crown. Where the effects of a new building on existing buildings nearby is being analysed, it is usual to ignore the effects of existing trees. This is because daylight is at its scarcest and most valuable in winter when most trees will not be in leaf.” I note there exists at present a significant belt of mature trees along the western and northern boundaries, which results in overshadowing at present, but as these are mostly deciduous they are not included, as the guidelines recommends only including trees where there are dense bands of evergreen trees.

10.7.14. I assess hereunder the impact on daylight to neighbouring properties, sunlight to neighbouring properties (in relation to those properties which have a window wall facing within 90° of due south of the development), and sunlight to gardens and amenity spaces. I consider separately daylight in relation to the internal layout of the scheme and the units in Section 10.8 hereunder.

Daylight – Vertical Sky Component

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

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

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

10.7.17. The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The

document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there are likely to be instances where judgement and balance of considerations apply.

10.7.18. The neighbouring properties that were assessed in the submitted Daylight and Sunlight Report for a potential impact on their Vertical Sky Component are the apartment blocks in Grattan Wood named Laurel, Beech, Walnut and Oak, no.13 Elmfield Vale and all the houses from No. 15 - 25 Grattan Lodge. As noted above, trees were not included in the assessment, as per BRE guidance. The submitted report states that the dwellings which would require assessment under BRE guidance are those in the Laurel apartment block and no. 13 Elmfield Vale, with the other buildings included for completeness.

10.7.19. In relation to the properties in Grattan Wood analysed, the results of 113 windows are presented. I note the report submitted considers the impact will be negligible, however it does not fully interpret the results submitted, however, I have sufficient information and data before me to undertake an assessment/interpret the results. The report notes that balconies and overhangs cut light from the top part of the sky and even a modest obstruction opposite may result in a large relative impact on the VSC. The BRE guidelines recommend carrying out additional calculations of the VSC with and without the balcony in place for the existing and proposed conditions to show if the balcony rather than the obstruction is the main factor in the relative loss of light and this has been undertaken as part of the assessment. Of the 113 windows assessed, I count that 32 windows have a resulting VSC value that is less than 27% and reduced by over 0.8 times compared to the baseline condition. I note of those 32 windows, 7 are to living rooms with the remainder relating to bedrooms. Of the 32 affected windows, while the reduction may be deemed perceptible, I consider the impact is marginal and should not be considered significant, with achievement of between 70% and 80% of the former value without development, where 80% is the BRE target.

10.7.20. In terms of compensatory design solutions, I note the blocks have openings to the south and east in consideration of maximising daylight. I have had regard to the location of the site and the wider benefits of developing this site, including the delivery of housing and the comprehensive redevelopment and regeneration of this

underutilised urban site along a public transport corridor, within the Dublin City and Suburbs of the Metropolitan Area and within an SDRA as defined by DCC. I consider the marginal impacts on the assessed windows on balance acceptable with regard to achieving wider planning objectives.

10.7.21. The VSC data relating to 13 Elmfield Vale to the south of the site, on the opposite side of the R139, indicates that of the three windows for which results are given, they are in compliance with the BRE guidance. I note an incorrect model of 13 Elmfield Vale has in error been inserted in the report, with the dwelling shown relating to Grattan Lodge, however, I am satisfied that this is a typographical error and I have no reason to believe the results in the table indicated are erroneous having regard to other information presented.

10.7.22. The VSC data relating to Grattan Lodge to the west indicates that of the 55 windows assessed, across 11 dwellings, all results are in excess of 80% (ie are not reduced below 80% of their former value) and therefore are in compliance with the BRE guidelines.

10.7.23. Overall, the proposed development would have a negligible impact on VSC of existing adjacent properties, and, therefore, would not result in a significant adverse impact to daylight achievable to existing properties.

Sunlight

10.7.24. Annual Probable Sunlight Hours (APSH) is a measure of sunlight that a given window may expect to receive over the period of a year. The percentage of APSH that windows in existing properties receive might be affected by a proposed development. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. A proposed development could possibly have a noticeable effect on the sunlight received by an existing window, if the following occurs: • The APSH value drops below the annual (25%) or winter (5%) guidelines; and • The APSH value is less than 0.8 times the baseline value; and • There is a reduction of more than 4% to the annual APSH.

10.7.25. In relation to sunlight, the submitted report describes the annual probable sunlight hours (APSH) for 112 windows relating to the apartment blocks to the north of the site and 17 windows relating to the dwellings in Grattan Lodge to the west, that would be potentially impacted. My assessment considers both the annual and winter

APSH results. Four of the windows in Beech do not meet the guidance, however, it is noted that the balconies to these apartments are causing the obstruction and without the balconies these windows would be compliance. Four windows fall below the guidance in Laurel and Walnut, however, it is noted that these at present fall below the standard. Two windows in Grattan Lodge also currently fall below the recommended standard. I note the limited number of windows that will experience perceptible reductions in sunlight as a result of the development and in consideration of both the urban nature of this site, its current zoning, and its serviced status proximate to community services and public transport, I consider the impact of the proposed development upon adjacent resident's sunlight levels to be acceptable.

Conclusion on Sunlight-Daylight

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

10.7.27. I have used the Guidance documents referred to in the Ministerial Guidelines to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable. I have had regard to the need to provide new homes within the SDRA area, which is identified for residential development/compact growth, and is a suitable location for increased densities given the serviced and accessible nature of the site proximate to a public transport corridor and connected to other parts of the city by the DART, c.1.2km to the northeast. The potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical in terms of the distance from boundaries and the overall height and design of the scheme, including fenestration design. I am satisfied that the development will not have a significant adverse effect on residential amenity of neighbouring properties in terms of sunlight and daylight.

10.7.28. The CE Report recognises there will be some diminishment to a few opes in existing dwellings located to the north and notes there is a pre-existing obstruction from boundary trees to the north and west and this application is an improvement in terms of sunlight/daylight over a previous permission. The CE report recommends that impacts on existing and proposed access to daylight and sunlight are minimised and a condition is recommended which includes following: 'g) That shadowing over 3rd parties be minimised to within the recommended tolerances set out in the BRE's 2011 Site Layout Planning for Daylight & Sunlight. h) That any obstruction of daylight to existing and potential 3rd party residential areas be minimised to within the recommended tolerances set out in the BRE's 2011 Site Layout Planning for Daylight & Sunlight'. I consider the condition quoted lacks clarity and is vague with regards to what the applicant should comply with. I do not consider, having regard to my assessment above, that conditions in relation to sunlight or daylight are warranted in this instance.

Amenity Space of Neighbouring Properties

10.7.29. The submitted Daylight and Sunlight Assessment assesses the impact of the proposed development on amenity spaces of the adjacent properties. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March, or not less than 0.8 of its current situations. As for all tests, balance may be required to be applied.

10.7.30. The neighbouring rear gardens in Grattan Lodge to the west have been assessed. Of the 10 rear gardens assessed, all meet the criteria as set out in the BRE guidelines with five of the gardens not impacted and the remaining five marginally affected with the criteria of over 80% of the areas achieving sunlight. With regard to Grattan Wood the results state that 95.4% of the amenity space currently receives more than 2 hours of sunlight on the 21st March, with this changing to 94.9% with the development in place. Such an impact is in my opinion negligible and is in accordance with BRE guidance.

10.7.31. Based on the assessment submitted and having regard to the referenced guidance, I am satisfied that the proposed amenity areas will meet and exceed sunlight standards recommended under BRE guidance. Given the orientation of the site, the anticipated level of impact is considered reasonable in this urban context

and will not result in a significant negative impact on the residential amenity of neighbouring properties.

Traffic and Construction Impacts

10.7.32. Impacts in relation to the impact of traffic, noise and dust during construction on existing residential amenities is discussed in section 10.10 hereunder.

Conclusion

10.7.33. Having regard to the specific design and layout of the blocks, including separation distances, modulation of height/building line of the blocks, and massing of the proposal, I do not consider overall the proposal will result in significant negative impacts on the existing residential amenity of properties in the area and having regard to the assessment set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. The protection of existing residential amenities requires balancing against the requirements for sustainable consolidated urban infill development in appropriate locations, such as this. In my opinion the proposed development has successfully managed this balance in its design and layout.

10.8. Quality and Residential Amenity of Proposed Development

Design Standards for New Apartments

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

10.8.2. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1. I note that one apartment has no private balcony proposed with it. Given there is scope to provide for a balcony, I consider this issue can be addressed by condition.

10.8.3. SPPR4 relates to dual aspect ratios and states that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site

characteristics and ensure good street frontage where appropriate in. The proposed development achieves this, with 46% of units comprising a dual aspect.

- 10.8.4. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.
- 10.8.5. A Building Lifecycle Report, as required by section 6.13 of the Apartment Guidelines, has been submitted.
- 10.8.6. Car parking provision is considered acceptable and in accordance with guidelines (this is addressed in detail in Section 10.10 hereunder).
- 10.8.7. Section 4.10 of the guidelines refers to the requirement for communal amenity space. The proposed development requires a total of 2399sqm of communal open space and it is stated 3267sqm is provided. As highlighted in the Parks division report (accompanying the CE Report), I do not consider some of the peripheral privacy strips as calculable communal open space, however, I consider that having excluded such areas, the scheme is satisfactory in terms of its quantum.
- 10.8.8. The Apartment Guidelines state that 'Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings' and it is further stated that 'Within apartment buildings, hallways and shared circulation areas should be appropriate in scale and should not be unduly narrow...' In this regard I draw the Boards attention to three particular entrance points to the apartment blocks - from the R139, from the Hole in the Wall Road and from the courtyard serving Block C-D. I note entrance hallways of 1.2m width are provided for in these locations, which is in my opinion unduly narrow, is restrictive in terms of movement, and such entrances lack legibility when viewed from the street. I further note a projecting stair and lift is proposed to the northeast of Block D to allow for access, providing for an awkward arrangement along this boundary. I note access from the western side of Block D is via steps with access to a lift via a separate entrance through the concierge/amenity area (I note the lift access appears in error to indicate access via the corridor where only step access is possible). It is important that such lifts are at all times accessible to residents and not closed off over night as part of the management of the communal areas. Access to apartments to the northwest of Block A-B is via the car park only, with no access via the path around the building, resulting in a circuitous, awkward

and overly lengthy access arrangement for residents not using the car park. I consider the issues listed here can be addressed by way of condition to improve the overall residential amenity for future occupants.

10.8.9. With regard to bin storage, the Apartment Guidelines state 'Refuse facilities shall be accessible to each apartment stair/lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required'. Having reviewed the layout at proposed, I note that the southern portions of the blocks are poorly served in terms of refuse facilities. To mitigate overly lengthy walks to bin storage areas, I consider a condition should be attached to address this issue, should the Board be minded to grant permission.

10.8.10. The Apartment Guidelines state 'Where ground floor apartments are to be located adjoining the back of a public footpath or some other public area, consideration should be given to the provision of a 'privacy strip' of approximately 1.5m in depth'. It would appear that there is scope for such a privacy strip to be provided in all instances, however, it is not clearly indicated on the site layout drawings. To ensure the privacy of ground floor units is protected, I consider a condition in relation to this issue is warranted should the Board be minded to grant permission.

10.8.11. While I consider overall the level of residential amenity to be acceptable in terms of unit sizes, adequate separation distances between blocks and between habitable rooms and balconies, I do have concerns in relation to the arrangement of apartment BC.G201 (floorplan level 00, drawing no. 19039-OMP-ZZ-00-DR-A-1000), which is located within Block C, at the location of the underpass into the central courtyard of the block. The outlook of this apartment is extremely poor, with a window to the living room onto the underpass area and the outlook from the balcony and bedroom restricted by the stairwell and wall of the podium level. The residential amenity for future occupants would in my opinion be extremely poor. I consider the apartment should be omitted, and furthermore given the distance for residents from the southern section of the apartment block to bin stores, this space would be better utilised in my opinion as a bin or bike store (reorganised as appropriate with the adjoining spaces). I consider this issue could be addressed by condition, should the Board be minded to grant permission. The submitted CE Report recommends a condition that the overlooking viewing cones from bedroom opens of similarly

arranged apartments as BC.0221 and BD.0207 respectively are redirected away as much as possible from the adjacent side living room windows of similarly arranged apartments as BC.0220 and BD.0206. I have examined the apartments referenced and while windows are proximate, direct overlooking is not possible and given the primary balcony space is not adjoining such windows, a significant negative impact on the privacy of future occupants is not anticipated. The CE report also recommends a condition 'that the overlooking/viewing cones of the more secondary opes in the eastern elevations of Block BB2 and Block BA2 in the western perimeter block are redirected away from elevations opposite in the eastern perimeter block as best as possible'. I note the separation distances involved are 15-16m (approx 2m less where balconies included) and windows are slightly staggered or angled depending on the location. I do not consider this distance to be unreasonable in a high-density urban context and do not consider significant negative residential amenity issues will arise for future occupants given the design and layout of the blocks. I do not therefore consider a condition in this regard is warranted.

- 10.8.12. I note it is stated within the Design Statement that the south elevation of Block D which faces into the adjoining site will comprise 'opaque glazing to all south facing windows to prevent direct views but allow high daylight levels and avoid a blank façade'. I consider the utilisation of opaque glazing to main living spaces to be undesirable, having a negative impact on outlook for future occupants. I note the windows in question are to kitchens and living rooms, with second windows provided for these rooms on the east/west elevations. I do not consider the positioning of these windows will unduly impact on the neighbouring site and I note the layout of the concurrent application on the adjoining site. Furthermore, there is sufficient scope for any development on the adjoining site to have regard to any permitted development on this site and to ensure direct overlooking is avoided through design. This is not an uncommon expectation in the development of an urban area.

Daylight - Internal to the Proposed Buildings

- 10.8.13. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance

notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.8.14. The proposed apartments layouts include a combined kitchen/living/dining room arrangement. As these rooms serve more than one function the 2% ADF value is applicable. The submitted Daylight and Sunlight Assessment applies a 2% ADF standard to the combined living/kitchen areas. The assessment submitted is stated to have included the massing of the concurrent application to the south of the site and the results include the effect of any obstruction.

10.8.15. Appendix A of the submitted Daylight and Sunlight Assessment contains the detailed results of the ADF for habitable rooms across the development. It is indicated that all living/kitchen areas meet the 2% ADF value and all bedrooms meet the 1% ADF value.

10.8.16. Overall, I am satisfied with the veracity of the results in so far as is practical and I note that all habitable rooms across the development have been assessed from ground to sixth floor level. The proposed development will provide for satisfactory amenity standards for future occupants.

Sunlight in Proposed Outdoor Amenity Areas

10.8.17. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.

10.8.18. Section 3 of the applicant's Daylight and Sunlight Report demonstrates that the main areas of open space associated with apartments at the upper podium levels will receive well in excess of the BRE Recommendation of 50% of amenity areas achieving at least 2 hours of sunlight on 21st March, with 97% of these spaces achieving the standard. The poorest area of light is the ground level area adjoining the podium level in Block A-B, with 54% of the area receiving 2 hours of sunlight on

the 21st March, however, this does meet the BRE guidance and while sunlight achieved is lesser than at the upper podium level this will nonetheless be an amenity space of value. I note the concurrent application to the southeast is included in one of the models to assess the potential impact on the courtyard area of Block C-D and I note with that development in place, the open space area 80.2% to 97.1% of that space receives two hours of sunlight on the 21st March which is in accordance with BRE guidance. I note the childcare play area is included in the assessment and would appear from the radiation map submitted to achieve acceptable levels of sunlight in accordance with BRE guidance.

Wind Assessment

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

10.9. Community Infrastructure Audit and Childcare Analysis

10.9.1. The applicant has submitted a Community and Social Infrastructure Audit in support of the application which provides details in relation to schools, childcare facilities, recreation and retail provision. It is stated that Dublin City Council, when developing the Local Area Plan for the area, carried out a Community Infrastructure Audit which is set out in the Clongriffin-Belmayne Local Area Plan 2012-2018 (extended 2022). This identified that there are sufficient community facilities in the area.

10.9.2. Whilst I note the assessment does not provide any detail on the capacity of existing facilities, including the schools, I note the availability of existing community and social infrastructure services and the future population at this location will be well served in terms of proximity and access to community infrastructure, including the 26 hectare Father Collins Park to the north of the site. I note it is within the remit of the Department of Education and Skills, in conjunction with Dublin City Council to identify and time the delivery of schools/requirements in relation to this.

10.9.3. A Childcare Demand Analysis has been submitted with the application. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum

provision of 20 childcare places per 75 no. dwellings, which would equate to a requirement for 55 spaces to serve this development. It is proposed to provide a childcare facility that will cater for 65 children. I am satisfied with the location of the childcare facility on the site at the ground level of Block A.

10.10. Traffic, Transportation and Access

- 10.10.1. The application is accompanied by a Traffic and Transport Assessment, which includes a DMURS Compliance Statement. A separate Residential Travel Plan and Car Parking Strategy has also been submitted.
- 10.10.2. The existing road network, public transport routes and pedestrian/cycle facilities are described. There is a cycle path adjoining the site on the Hole in the Wall Road heading north, which becomes a bus lane just north of the site. There is a bus lane and cycle lane on the opposite side of the Hole in the Wall Road. There is a bus lane on both sides of the R139 adjoining the site. On the northern side of the R139, adjoining the site, a footpath is provided between the Hole in The Wall Road Roundabout and a bus stop adjacent to the southeastern application site boundary with the R139, however the footpath does not continue west of that point. There is a continuous footpath westwards on the southern side of the R139/opposite the site. The site is served by three bus services, two of which are high frequency. The DART station at Clongriffin is 1.2km to the northeast. While beyond 1000m from the site which is considered an accessible walking distance, it nonetheless provides for additional connections to the wider city area and is a short cycle trip from the site/20 minute walk.
- 10.10.3. In terms of planned improvements in the area, the site lies on a proposed Spine Route, Orbital Route, and a Local Route as part of the BusConnects Project, with improvements to number of services and journey times proposed and connections to the DART station. The site has been designed to ensure amendments undertaken by this development will not impact the existing draft design of BusConnects. Improvements to the cycle network are envisaged as part of the Cycle Network Plan for the Greater Dublin Area, which includes provision for dedicated cycle infrastructure in place of existing sections where shared bus lanes are utilised.

- 10.10.4. Street network improvements proposed as part of the development include the provision of a new 2.0-metre-wide footpath along the southern boundary of the site between the site and the existing road edge on the R139 to allow for direct access from the site to existing bus stop on the R139. The surface colour of the existing cycling infrastructure at the proposed access junction will be improved and revised road markings are proposed in order to indicate priority for cyclists. A dropped kerb is proposed on the cycle track directly across from the junction in order to allow ease of access for cyclists travelling to and from the development.
- 10.10.5. The existing baseline traffic conditions are assessed in the TTA and junction surveys were undertaken at the four-arm Home in the Wall Road/R139/Grange Road roundabout and at three-arm Hole in the Wall Road/Grange Abbey Road priority-controlled junction. The TRICS database was used to establish people trip rates for the development and amended in the context of site specifics in terms of parking proposed.
- 10.10.6. The findings of the transport impact assessment indicate the junctions will operate within capacity with the development in place. It is stated that the proposed development will result in a small percentage increase in traffic through analysed links and junctions, with a maximum increase of 5.6% and 3.4% in traffic on Hole in The Wall Road to the south of the new site access junction in the AM and PM peak hours respectively in the development's assumed 2023 year of opening. The percentage increase in traffic on other links in 2023 is forecast to range between 0.6% and 5.6%. It is predicted that the development will not have any impact on traffic on Grange Abbey Road as this access is characterised by limited vehicular permeability, with no through-routes available. I am satisfied that the development as proposed can be accommodated in terms of vehicular traffic within the existing street network.
- 10.10.7. Observer submissions have raised concerns in relation to base assumptions in the Traffic and Transport Assessment, traffic congestion, level of public transport available, and lack of on-site car parking.
- 10.10.8. A report from the Transportation Planning Division of DCC, accompanying the CE Report, raises no objection in relation to the quantum of development, capacity of

public transport, or capacity of the street network as it exists and accepts the findings of the TTA.

10.10.9. I have reviewed the methodology and information submitted in the Traffic and Transport Assessment and the Residential Travel Plan and Car Parking Strategy and am satisfied that the approach adopted appears robust and accurate. The submitted Traffic Assessment indicates the junctions in the vicinity of the site will operate within capacity with the development in place. The development site as stated is located adjoining the route of existing high frequency bus service and adjoins a cyclepath, which connects into the wider area. I note the concerns raised by observers regarding traffic congestion however I consider peak time congestion to be a characteristic of urban areas and should not in itself be a reason to prohibit further development. While there will be an increase in traffic movements, I consider that, given the relatively low level of parking provided on site and anticipated traffic movements, the impacts of such traffic would not be so great as to warrant a refusal of permission. Furthermore while concerns are raised in relation to existing modal split assumptions as presented in relation to Grattan Wood, I consider the overall approach to modal splits for the proposed development to be acceptable and in accordance with desirable and sustainable travel patterns. I do not consider providing for additional cars at this location would be a sustainable solution to traffic management concerns and such an approach would not be consistent with national policy in relation to parking for an accessible site like this.

10.10.10. I am overall satisfied that having regard to the existing context of the site, public transport and active modal options available, in addition to walking distances to shopping facilities and services at Donaghmede, Clarehall, and Clongriffin, as well as open space, schools and other services, the proposed development is of a scale that can be accommodated within the existing street network and I do not consider the proposal would give rise to an unacceptable risk in terms of traffic safety or be seriously injurious to the residential amenity of those in the immediate area of the site.

Car and Cycle Parking

10.10.11. In relation to parking standards, the Design Standards for New Apartment 2020 states that 'in suburban/urban locations served by public transport or close to

town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard'.

10.10.12. The Dublin City Development Plan for Zone 3 allows for a maximum of 1.5 no. parking spaces to be provided per residential unit, which would equate to a maximum of 620 no. car parking spaces. The proposed development provides for 307 no. total car parking spaces, located within two separate undercroft/podium style car parking areas with an upper and lower deck in each and a limited number of spaces are provided at surface level along the northern boundary of the site. One space is proposed for the childcare facility. The proposed car parking ratio is 0.74 space per residential unit.

10.10.13. While concern is raised in an observer submission that the level of parking proposed is a material contravention of the development plan, I note that standards indicated are maximums and in my opinion no material contravention arises in this instance. I am satisfied given the site's location, existing public transport provisions, and connections to Dublin City Centre, as well as proximity to local services and amenities, that the level of parking as proposed is acceptable. I note the Residential Travel Plan and Car Parking Strategy identifies that 3 of the car parking spaces will be for car sharing and sets out a management plan for car parking. The vehicular entrance proposed onto the R139, as raised in a submission, is not for everyday use but is an emergency access which is acceptable in its design and location. Additional planned improvements to the public transport network in the form of the BusConnects project will further contribute to the accessibility of this site. I note the CE Report considers the car parking provision acceptable.

10.10.14. Concerns have been raised by some observers regarding potential overspill car parking to the adjacent area due to lack of parking proposed. I am satisfied that the level of parking proposed, together with a car parking management plan, will adequately manage parking demand as part of the proposed development and that overspill parking is unlikely to arise. Furthermore, future residents will be aware that limited parking is available on the site when deciding whether or not to live in the proposed scheme and this matter may ultimately influence their decision. I am also of the opinion of that future residents should be advised in advance that there are

only limited car parking spaces in this development. Suitable alternative transport options of walking and cycling are available and will be encouraged as set out in the submitted documentation. I further consider that should any overspill parking arise, this is a traffic management issue which could be appropriately and quickly addressed by the planning authority/an Garda Síochána.

10.10.15. 788 no. bicycle parking spaces (648 for residents, 110 for visitors, 20 shared spaces, and 10 creche staff spaces) are proposed as part of the development, with spaces located within the undercroft area and externally. I note 616 are located in the parking area in two-tier hydraulic-assisted bicycle racks, with 32 in the form of Sheffield stands. In terms of quantum of cycle spaces required, the Apartment guidelines state 'a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement /enlargement, etc.' I note 621 spaces are required for the apartments and 207 for visitors, equating to a total of 828. The development proposes 788 spaces, which is a shortfall of 40 spaces. The CE Report states they are satisfied with the level of cycle parking proposed. No issues are raised in relation to the design of the cycle route interface with the development entrance. Overall, I consider the scale of cycle parking proposed adequate having regard to their design and location and measures proposed to the street network for cyclists is acceptable.

Construction Traffic

10.10.16. I note the concerns raised by some parties regarding construction stage impacts. All construction activities by their very nature result in elevated emissions (noise, dust, etc.) and increases in construction traffic above the baseline environment. However, these are temporary and short term in nature and therefore will not have any long term or permanent amenity impacts. The applicant has submitted a Construction Management Plan, which includes the management of traffic during the construction phase and addresses environmental issues of noise, air quality, and dust/dirt pollution, with mitigation measures to put in place for the duration of the works to protect neighbours and neighbouring properties. A

monitoring regime is proposed to address potential issues of settlement and vibration, with this to be agreed with DCC prior to the commencement of development. This is stated to involve the use vibration monitors which will be fixed to adjoining structures or any structures deemed within the zone of influence of the construction works and these will be monitored weekly. The implementation of these mitigation measures will further reduce any adverse amenity impacts during the construction phase.

- 10.10.17. Given the predicted level of traffic increase during the operational phase is low, the impacts to air quality and climate will not be significant.

10.11. Infrastructural Services including Flood Risk

Water and Wastewater

- 10.11.1. It is proposed to connect the development to the public water network in the area.
- 10.11.2. The foul sewerage will discharge from the development to the existing foul sewer network at the Hole in the Wall Road, from where it discharges to the Ringsend WWTP.

Surface Water Management

- 10.11.3. In terms of surface water management, it is proposed to provide for stormtech attenuation chambers and flow control is managed in the form of a hydrobrake. A green roofing system is proposed on the roof of Blocks A & C, equivalent to 60% of the total roof areas, and permeable paving is proposed for footpaths and any other hardstanding areas around the apartment blocks.

Flood Risk

- 10.11.4. No watercourses exist on the site.
- 10.11.5. The applicant submitted a Flood Risk Assessment as part of the planning application and this asserts that the site is at no risk of coastal, fluvial, or ground water flooding based on information available, including mapping. The site is stated to be within Flood Zone C, therefore the proposed development is classified 'less vulnerable' and is appropriate for the site.

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

10.12. Material Contravention – Building Height, Dwelling Mix, and Car Parking Standards

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

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

10.12.3. The Dublin City Development Plan 2016-2022 states under Section 16.7 that building height allowable at this location is a maximum of 16m. The proposed development has a maximum height of 24m and therefore I consider that it materially contravenes the development plan in terms of height.

10.12.4. With regard to unit mix, Section 16.10 of the Dublin City Development Plan 2016-2022 states apartment developments >15 units shall contain a maximum of 25-30% 1-bedroom units and a minimum of 15% 3 + bed units. The proposed development comprises 34% one bed units and does not propose 3 bed units. The proposal may be considered to materially contravene the development plan in this matter. I would recommend a precautionary approach in this regard, which I have considered further in section 10.12.10 hereunder.

10.12.5. With regard to car parking, the Dublin City Development Plan 2016-2022 indicates maximum parking standards. It is stated that car parking provision in Zones

1 and 2 is restricted on account of the proximity of these locations to public transport. An increased density of development will be promoted in Zone 1 and those parts of Zone 2 where the development is in close proximity to good public transport links. The application site falls within Zone 2 and the site is adjoining a bus corridor. The development plan states that parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety. The application site would generate a maximum demand for 413 spaces. The proposed development provides for 298 spaces. I do not consider the proposed number of parking spaces, which is below the maximum applicable for this site, would result in a material contravention of the development plan.

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

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

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

or

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

or

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

10.12.7. Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act (as amended), and based on the assessment above in relation to height, unit mix, and car parking, I consider that a grant of permission, that may be considered to materially contravene the Development Plan in terms of building height

and unit mix, would be justified in this instance under sub sections (i), (iii) and (iv) of the Act as examined hereunder. I do not consider that a material contravention arises in relation to car parking (as discussed above).

- 10.12.8. With regard to S37(2)(b)(i), the development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application site is located within the 'Clongriffin-Belmayne' area, which is designated as a Strategic Development and Regeneration Area (SDRA 1 - North Fringe (including Clongriffin/ Belmayne) within the Dublin City Development Plan 2016-2022, which implies strategic importance that elevates it above other residentially zoned lands contained in the development plan. The proposal would deliver 413 residential units in a compact urban form on an accessible and serviced urban infill/brownfield site. The application site has the potential to deliver on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness (July 2016) and Housing For All – a New Housing Plan for Ireland (September 2021).
- 10.12.9. In relation to the matter of conflicting objectives in the development plan, S37(2)(b)(ii), I have reviewed the plan and there are no conflicting objectives within the Dublin City Development Plan 2016-2022, insofar as the proposed development is concerned. The Development Plan is clear in terms of building heights and unit mix.
- 10.12.10. With regard to S.37(2)(b)(iii), I consider the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35. I have also considered the proposed development against the Urban Development and Building Height Guidelines – Guidelines for Planning Authorities 2018 and I note SPPR3 of the guidelines, which references building heights. I have furthermore considered the proposed development against the Sustainable Urban Housing: Design Standards for New Apartments 2020, which cautions development plans including limits/requirements in relation to unit mix in apartment schemes and supports instead a nationally determined apartment mix parameter as a broad and consistent but flexible safeguard, as outlined in SPPR1 of the Apartment guidelines, which states '...there shall be no minimum requirement for apartments with three or more bedrooms.

Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA)...'. I further note SPPR 4 of the Building Height Guidelines, specifically subsections 2 and 3, supports a greater mix of building heights and typologies in planning for the future development of suburban locations and avoidance of mono-type building typologies. I am satisfied that the proposal can be granted in relation to height with respect to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended), having regard to the NPF and the Urban Development and Building Height Guidelines 2018, and I am satisfied that the proposal can be granted in relation to dwelling mix having regard to the Sustainable Urban Housing: Design Standards for New Apartments 2020 specifically SPPR 1, and the Building Height Guidelines specifically SPPR 4, both of which were published under Section 28 of the P&D Act (as amended).

10.12.11. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, I note apartment schemes greater than 16m in height on part of the site/proximate to the site have been permitted under the current development plan, namely an extant permission on the southern portion of the application site (PL.25N.249368), permission at Clongriffin (ABP-305316-19; ABP-305319-19), Clarehall (ABP-304196-19), and Belmayne (ABP-310077-21), therefore Section 37(2)(b)(iv) would also apply.

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

10.13. Other Matters

Constitutionality of Legislation and Ministerial Guidelines

10.13.1. One submission questions the constitutionality of legislation and ministerial guidelines. It is beyond the remit of this report and recommendation to address constitutional matters.

Archaeology

10.13.2. An Archaeological Impact Assessment has been submitted with the application. Test excavations were undertaken which failed to identify any archaeological features, deposits or finds. The Department of Housing, Local Government and Heritage in their submission state that having reviewed the information, there are no further archaeological requirements in this case.

Public Consultation and SHD Process

10.13.3. I note the submissions received in relation of a lack of pre-application consultation with local residents. Consultation has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016. Public participation is allowed for in the application process and I have considered all submissions made in my assessment.

Planning History

10.13.4. An observer submission raises issue with the matter of previous refusals on this site. I note that each application is assessed on its own merits. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

Property Value

10.13.5. Having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

Inconsistencies and Procedural Issues

10.13.6. In terms of procedural matters and the alleged irregularities in terms of the drawings submitted, I am satisfied that any typographical errors/inconsistencies in the documentation did not impede my assessment of the application. I further note that the application has been prepared by professionals whom adhere to their own professional body Codes of Conduct and I have no reason to believe that the information presented is unreliable, having reviewed all documentation as part of my assessment and site inspection. The application was deemed valid when lodged with the offices of An Bord Pleanála.

10.13.7. One submission questions the quality and detail of various aspects of this application. I reiterate as above, that I have considered all submissions made and I am satisfied that I have sufficient information before me to assess this application and make a recommendation.

Part V

10.13.8. I note changes have been made in relation to Part V under the Affordable Housing Act 2021 and this may impact the applicants Part V obligations and a review will be required. This issue can be addressed by way of condition and an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

11.0 Screening for Appropriate Assessment

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

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

11.2. Background on the Application

11.2.1. The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application, dated July 2021.

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

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

- Flood Risk Assessment
- Construction Management Plan

- Ecological Impact Statement
- Mammal Report

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

This proposed development is not located within or directly adjacent to any SAC or SPA but pathways do exist to a number of these areas. An assessment of the aspects of this project has shown that significant effects are not likely to occur to these areas either alone or in combination with other plans and projects. It can be concluded on the basis of objective information that the proposed development is not likely to have any significant effect on any European site, either alone or in combination with other plans and projects.

11.2.5. Having reviewed the documents and submissions received, I am satisfied that I have sufficient information to allow for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

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

11.3.1. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

11.3.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

Brief Description of the Development

11.3.3. The development site/overview of the receiving environment is described in the submitted screening report (section 2.1). I refer the Board also to section 3 of this report above. The site is 1.97 ha gross within the urban area of Dublin. The proposed development is for 413 no. apartments in two 5-7 storey blocks. A creche and residential amenity areas are proposed within the blocks. The site comprises a brownfield site, with part of the site occupied by a former ecclesiastical building (which has been fire damaged) and a two storey detached dwelling.

- 11.3.4. It is noted that the environmental baseline conditions are discussed, as relevant to the assessment of ecological impacts, where they may highlight potential pathways for impacts associated with the proposed development to affect the receiving ecological environment (e.g. hydrogeological and hydrological data), which informs whether the development will result in significant impacts on any European Site.
- 11.3.5. The Screening report and Ecological Impact Statement note there are no alien invasive species on the site. There are no habitats which are examples of those listed in Annex I of the Habitats Directive and no evidence that species listed in Annex II of that Directive are present. The habitat is overall of local biodiversity value. The habitats on the lands are not considered suitable for feeding or roosting birds associated with coastal SPAs. A bat survey was undertaken, where three bat species were encountered, none of which are part of/linked to a European site. There are no water courses, bodies of open water or habitats which could be considered wetlands. The Mayne River flows approximately 1km to the north of the site and this flows into Baldoyle Bay along with the Sluice River.
- 11.3.6. Surface water drainage from the proposed development will discharge into the public surface water network, which discharges to Baldoyle Bay via the Mayne River. As part of the surface water management system, it is proposed to install SUDS measures, including green roofing system on the roof of blocks labelled A and C, use of permeable paving and attenuation chambers, with a hydrobrake limiting flow to the public sewer. It is noted that the SUDS proposals are standard measures in all new developments and are not included here to avoid or reduce an impact to a European site. I have not considered the SUDS strategy for the site as part of this assessment.
- 11.3.7. Wastewater is proposed to discharge to existing foul sewers, which will then carry the foul water to the Ringsend wastewater treatment plant, prior to discharge into the Liffey Estuary/Dublin Bay. Surface water is proposed to discharge to the existing sewer and onto Baldoyle Bay.
- 11.3.8. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- Habitat loss/fragmentation
 - Habitat disturbance /species disturbance

- Construction related - uncontrolled surface water/silt/ construction related pollution
- Operational related – increase of wastewater to Ringsend Waste Water Treatment Plant

Submissions and Observations

11.3.9. The submissions and observations from the Local Authority, Prescribed Bodies, and Observers are summarised in sections 7, 8 and 9 of this report. I note the following points in relation to Appropriate Assessment were raised in a submission from John Conway and Louth Environmental Group:

- Inadequate information to screen out the potential impact of the proposed development, both during construction and operational phases on birds, including bird flight lines and collision risks.
- The conclusions/statements do not identify any clear methodology and no analysis in respect of protected sites ‘screened out’ at AA Screening Stage.
- The zone of influence is not reasoned or explained. The limitation of a 15km radius is not explained and it is unclear how such a limitation was determined.
- Inadequate regard to the cumulative effects of the proposed development in combination with other development in the vicinity on the protected sites.
- Reliance on Ringsend WWTP is flawed given its precarious status.
- It is impermissible at screening stage to rely on mitigation measures/measures designed to negate the impact of a proposed development on a protected site.
- Purported reliance on an AA Screening Report for other sites and other projects is an irrelevant consideration for the purposes of carrying out an AA Screening exercise.

European Sites

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

- 11.3.11. It is noted in the submitted Screening Report that the foul sewer and surface water networks provide for indirect hydrological links to Dublin Bay.
- 11.3.12. The submitted Screening Report identifies European sites which are deemed to be within 15km of the site and further examines those European Sites considered to be within the zone of influence of the site. One observer questions the methodology of the AA Screening Report submitted and the use of a 15km distance in its report. I have not confined myself to a specific distance but have undertaken a site specific assessment based on characteristics of the site, distance to European sites and consideration of the source-pathway-receptor model. I further note the Department of Housing, Local Government and Heritage examined the site and has not raised any concerns in relation to Appropriate Assessment issues.
- 11.3.13. There are no direct hydrological links between the application site and the identified European sites in the submitted Screening Report, however, indirect links are identified in relation to surface water sewers which discharge to Baldoyle Bay via the Mayne River and indirect links in relation to the foul sewer network, which discharges from Ringsend Wastewater Treatment Plant to Dublin Bay. The scope of the applicant's Screening Report, which identifies indirect links to the European sites associated with these bays, namely South Dublin Bay SAC, North Dublin Bay SAC, Baldoyle Bay SAC, North Bull Island SPA, South Dublin Bay and River Tolka Estuary SPA, and Baldoyle SPA, is in my opinion acceptable and I have included hereunder a list of these European sites and their relevant qualifying interests and separation distances from the application site.
- 11.3.14. European sites in the wider area are identified in Section 2.2 of the submitted Screening Report, namely Lambay Island SAC/SPA, Rogerstown Estuary SAC/SPA, Malahide Estuary SAC/SPA, Ireland's Eye SAC/SPA, Howth Head SAC/SPA and Dalkey Island SPA. I have considered the qualifying interests/special conservation interests of these European sites, in addition to examination of the application site in terms of the source-pathway-receptor model, and the distance from the application site to these European sites. I am satisfied having regard to the lack of source-pathway-receptor linkages, the nature and scale of the proposed development, and its separation distance from other European sites, that no Appropriate Assessment issues arise in relation to these European sites, and it is considered that the

proposed development would not be likely to have a significant effect individually or in combination with other plans or projects thereon.

11.3.15. I have included the following European sites in my screening assessment:

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location
<p>South Dublin Bay SAC [000210]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110].</p> <p>Conservation Objectives: South Dublin Bay SAC 000210. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c.2km to the south/southeast</p>
<p>North Dublin Bay SAC [000206]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>)</p>	<p>c.2km to the south/southeast</p>

<p>[1330] / Mediterranean salt meadows (Juncetalia maritimi) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with Ammophila arenaria [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / Petalophyllum ralfsii (Petalwort) [1395].</p> <p>Conservation Objectives: North Dublin Bay SAC 000206. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht</p>	
<p>Baldoyle Bay SAC [000199]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>QIs/SCI: [1140] Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonizing mud and sand [1330] Atlantic salt meadows (Glauco- Puccinellietalia maritimae) [1410] Mediterranean salt meadows (Juncetalia maritimi)</p> <p>NPWS (2012) Conservation Objectives: Baldoyle Bay SAC 000199. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht</p>	<p>c.1.7km east</p>
<p>North Bull Island SPA [004006]</p> <p>CO - To maintain or restore the favourable conservation condition of the Annex I</p>	<p>c.2km to the south/southeast</p>

<p>habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>QIs/SCI: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330] / Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / <i>Petalophyllum ralfsii</i> (Petalwort) [1395].</p> <p>Conservation Objectives: North Bull Island SPA 004006. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p> <p>CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>QIs/SCI: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] / Oystercatcher (<i>Haematopus ostralegus</i>) [A130] / Ringed Plover (<i>Charadrius hiaticula</i>) [A137] / Grey Plover (<i>Pluvialis squatarola</i>) [A141] / Knot (<i>Calidris canutus</i>) [A143] / Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149] / Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] / Redshank (<i>Tringa</i></p>	<p>c.4.5km southwest</p>

<p>totanus) [A162] / Black-headed Gull (Chroicocephalus ridibundus) [A179] / Roseate Tern (Sterna dougallii) [A192] / Common Tern (Sterna hirundo) [A193] / Arctic Tern (Sterna paradisaea) [A194] / Wetland and Waterbirds [A999].</p> <p>Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA 004024. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	
<p>Baldoyle Bay SPA [004016]</p> <p>CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>QIs/SCI: [A046] Light-bellied Brent Goose Branta bernicla hrota [A048] Shelduck Tadorna tadorna [A137] Ringed Plover Charadrius hiaticula [A140] Golden Plover Pluvialis apricaria [A141] Grey Plover Pluvialis squatarola [A157] Bar-tailed Godwit Limosa lapponica [A999] Wetland and Waterbirds</p> <p>NPWS (2013) Conservation Objectives: Baldoyle Bay SPA 004016. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.</p>	<p>c.2km east</p>

Factors Likely to Give Rise to Potential Impacts

11.3.16. Habitat loss/fragmentation: The nearest European sites are those in Dublin Bay and Baldoyle Bay (see table above). In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and

therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. The site does not contain any habitats listed under Annex I of the Habitats Directive.

11.3.17. Habitat disturbance/species disturbance: With regard to direct impacts of habitat loss and disturbance, the application site is not located adjacent or within a European site. Given the scale of works involved, the nature of the existing intervening urbanised environment and distances involved to European sites, habitat disturbance is unlikely to occur. With regard to indirect impacts, the area around the proposed development is suburban in style and the lands themselves are not suitable for ex-situ feeding or roosting of wetland birds. The site is too far from bird roosting areas to result in impacts from noise or other forms of human disturbance during construction and operation. One submission has raised concerns in relation to bird flight paths and potential for collisions. No significant flight paths related to protected birds have been identified in this area and the observer has submitted no evidence in relation to existence of flight paths. The submission from the Department of Housing, Local Government and Heritage raises no concerns in relation to potential impacts on birds or Appropriate Assessment issues. I furthermore note the proposed buildings are not particularly tall, there are other similarly scaled buildings in the area, and there is no reason to believe a bird would not fly over or around such structures.

11.3.18. Habitat degradation as a result of hydrological impact: There is no direct open-water pathway from the site to Baldoyle Bay or Dublin Bay. However, there is an indirect link via the existing surface water network to Baldoyle Bay and foul water drainage network Dublin Bay.

11.3.19. I note the surface water from the site will discharge to the Mayne River 1km north of the site, which will then discharge Baldoyle Estuary, a further 1.8km east. In terms of the construction phase, no effects to European sites can occur due to the fact that there is no direct pathway to the river. With regard to any potential pollutants or sediment arising from surface waters on site, given the distance involved from the site to Baldoyle, the volume of water in the Mayne River and Baldoyle Bay relative to the volume of potential pollutants/sediment from any surface water discharge, and given the level of mixing, dilution and dispersion of any surface water runoff/discharges in the receiving watercourses in Baldoyle Bay and the Irish Sea, the

proposed development will not impact the overall water quality status of Baldoyle Bay and there is no possibility of the proposed development impacting the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Baldoyle Bay. While a SUDS strategy is proposed for the development, I note this is not required or related to the protection of any European Sites and I have considered potential impacts with no SUDS strategy in place.

11.3.20. With regard to wastewater, concern is raised in a submission in relation to capacity of Ringsend WWTP. Irish Water indicates that the Ringsend WWTP plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. Despite the capacity issues, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “Unpolluted” water quality status and the Tolka Estuary is currently classified by the EPA as being “Potentially Eutrophic”. I note that Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. I consider the peak effluent discharge from the proposed development would be insignificant given the overall scale of the Ringsend facility and would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay.

11.3.21. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in Dublin Bay.

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

Conclusion

11.3.23. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses, and distance from European Sites, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European site 000199 (Baldoyle Bay SAC), 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA), 004006 (North Bull Island SPA), 004016 (Baldoyle Bay SPA), and or any other European site, in view of the said sites' conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

11.3.24. Measures intended to reduce or avoid significant effects have not been considered in the screening process.

12.0 Environmental Impact Assessment Screening

12.1. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- (i) Construction of more than 500 dwelling units
- (iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

12.2. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

12.3. The development provides for 413 residential units and a creche on a site with an area of 1.97 ha. The site is located within the area of Dublin City Council and is a suburban built up area. The proposed development is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

12.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Statement which includes the information required under Schedule 7A to the planning regulations. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

12.5. I have assessed the proposed development having regard to the information above, to the Schedule 7A information and other information which accompanied the application, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment and landscape details and I have completed a screening assessment as set out in Appendix A.

12.6. The nature and the size of the proposed development is well below the applicable thresholds for EIA. The residential and creche uses proposed would be similar to predominant land uses in the area. The proposed development would be located on brownfield lands beside existing residential development. The site is not designated for the protection of a landscape. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The development

would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents and matters relating to assessment of potential for hazardous waste during demolitions have been fully considered in the submitted Construction and Demolition Management Plan (C&D WMP), and will not give rise to significant environmental impacts. The development is served by municipal drainage and water supply, upon which its effects would be marginal. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

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

- Photomontages and Landscape Report;
- Archaeological Impact Assessment;
- Arboricultural Report
- Engineer's Report, including Flood Risk Assessment;
- Traffic and Transport Assessment;
- Daylight and Sunlight Report;
- Appropriate Assessment Screening Report, and Ecological Impact Assessment Report;
- Construction and Demolition Waste Management Plan;
- Construction Management Plan;
- Operational Waste Management Plan;
- Wind Analysis and Pedestrian Comfort Report;

- Community and Social Infrastructure Audit

12.8. I note concerns raised in submissions in relation to level of information submitted, expertise, and information relating to population, biodiversity and human health. I have had regard to all submissions made and I am satisfied with the level of detail available in relation to this planning application. I have set out in section 3 of this report all documents submitted with the application which I have considered, including those above, as well as information available from the NPWS.

12.9. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I note the following from the submitted documentation and I have taken the following into account in my EIA Screening:

- An AA Screening Report and EclA have been submitted which have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) and the Water Framework Directive (Directive 2000/60/EC).
- A Flood Risk Assessment that addresses the potential for flooding, which was undertaken in response to the EU Floods Directive (Directive 2007/60/EC).
- A Construction and Demolition Waste Management Plan has been submitted, which was undertaken having regard to the EC Waste Directive Regulations 2011.
- Dublin City Council Development Plan and associated SEA.

12.10. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between the above assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

12.11. A submission received considers that having regard to the potential for cumulative impacts with this development and other SHD developments, and noting the size of the proposed development, a full EIA should be carried out and also considers the

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

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

13.0 Recommendation

I recommend that permission is granted, subject to conditions.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Dublin City Development Plan 2016-2022
- (a) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016 and Housing for All – A New Housing Plan for Ireland, 2021
- (b) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (c) the Design Manual for Urban Roads and Streets (DMURS), 2013

- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing, Design Standards for New Apartments, 2020
- (f) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (g) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- (h) the nature, scale and design of the proposed development
- (i) the availability in the area of a wide range of social, community and transport infrastructure
- (j) the pattern of existing and permitted development in the area
- (k) the planning history within the area
- (l) the submissions and observations received,
- (m) the report of the Chief Executive of Dublin City Council

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

15.0 Recommended Draft Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26th day of July 2021 by Downey Planning, acting on behalf of Belwall Ltd.

Proposed Development comprises of the following:

A residential development comprising 413 no. apartments (65 no. studios; 140 no. 1 bedroom units and 208 no. 2-bedroom units) across 4 no. apartment blocks (Blocks A-D) ranging from 5 storeys to 7 storeys in height with balconies/terraces to all elevations. The apartment blocks consist of the following:

- Block A – 5 & 7 storey apartment block comprising 98 no. units as follows: 1 no. studio; 28 no. 1 bedroom units and 69 no. 2 bedroom units.
- Block B – 5 & 6 storey apartment block comprising 90 no. units as follows: 15 no. studios; 26 no. 1 bedroom units and 49 no. 2 bedroom units.
- Block C – 5 & 6 storey apartment block comprising 116 no. units as follows: 25 no. studio units; 48 no. 1 bedroom units and 43 no. 2 bedroom units.
- Block D – 5 & 7 storey apartment block comprising 109 no. units as follows: 24 no. studio units; 38 no. 1 bedroom units; and 47 no. 2 bedroom units.

The proposed development will also comprise residential amenity facilities and concierge/management suites in Blocks A and C; 1 no. childcare facility at ground level of Block A; a total of 298 no. car parking spaces (39 no. spaces at surface level (including 3 no. creche drop-off spaces and 1 no. creche staff parking space), 105 no. spaces at lower ground level below podium level communal open space courtyards (level 00) and 154 no. spaces at lower ground level below podium level communal open space courtyards (level B1); 8 no. motorcycle spaces; 788 no. bicycle parking spaces (including 10 no. spaces within the childcare facility and 20 no. spaces for car bicycles); landscaping, including communal open space and public open space and children's play spaces; boundary treatment; 3 no. ESB substations at ground level with associated switch rooms; plant and waste storage areas, water tanks; solar/pv panels to roof levels; 1 no. new vehicular and pedestrian entrance and 1 no. new pedestrian/cyclist access to The Hole in the Wall Road to the east; 2 no. new pedestrian/cyclist accesses and emergency vehicle access/egress onto the R139 to the south and all associated engineering, infrastructural and site development works necessary to facilitate the development, including the demolition of the existing 2-storey dwelling at No. 25 Hole in the Wall Road and the 2-storey Saint Columban's building and all associated outbuildings and structures.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (b) the policies and objectives set out in the Dublin City Development Plan 2016-2022
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016, and Housing for All – A New Housing Plan for Ireland, 2021
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Design Manual for Urban Roads and Streets (DMURS), 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing, Design Standards for New Apartments, 2020
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011
- (j) the nature, scale and design of the proposed development

- (k) the availability in the area of a wide range of social, community and transport infrastructure
- (l) the pattern of existing and permitted development in the area
- (m) the planning history within the area
- (n) the submissions and observations received
- (o) the report of the Chief Executive of Dublin City Council, and
- (p) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- a) The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) The location of the site on lands governed by zoning objective Z1, 'to protect, provide and improve residential amenities', in the Dublin City Development Plan 2016-2022,
- c) The existing use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed development,
- f) The location of the development outside of any sensitive location specified in article 299(C)(1)(a)(v)(l) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan,

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this

suburban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

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

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

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application site is located within the 'Clongriffin-Belmayne' area, which is designated as a Strategic Development and Regeneration Area (SDRA 1 - North Fringe (including Clongriffin/ Belmayne) within the Dublin City Development Plan 2016-2022, which implies strategic importance that elevates it above other residentially zoned lands contained in the development plan. The proposal would deliver 413 residential units in a compact urban form on an accessible and serviced urban infill/brownfield site. And has the potential to deliver on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness (July 2016), and Housing for All – A New Housing Plan for Ireland (2021).

- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35 and is in compliance with the Section 38 guidance Urban Development and Building Height Guidelines, in particular SPPR3; and in terms of dwelling mix is in compliance with the Section 38 guidance Sustainable Urban Housing Design Standards for New Apartments 2020, in particular SPPR1 and in compliance with the Building Height Guidelines, specifically SPPR 4, subsections 2 and 3.
- With regard to S.37(2)(b)(iv) of the Planning and Development Act 2000, as amended), the Board has previously approved a high building on the southern portion of the application site (PL.25N.249368) as well as permission at Clongriffin (ABP-305316-19; ABP-305319-19), Clarehall (ABP-304196-19), and Belmayne (ABP-310077-21) and the proposed development is continuing on that pattern of development.

16.0 Conditions

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

	<p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>Prior to commencement of any works on site, revised details shall be submitted with regard to the following:</p> <ul style="list-style-type: none"> (a) Studio unit BB1.G202, as identified on drawing no. 19039-OMP-ZZ-00-DR-A-1000, shall be omitted from Block B2 and the remaining space shall be utilised to create a more generously sized and legible entrance lobby into the apartment block with any additional unrequired space incorporated into unit BB1.G201. (b) The apartments at ground level at the northwest corner of Block A1 labelled BA1.G201, BA1.G202, BA1.G203 and BA1.G204 (drawing no. 19039-OMP-ZZ-00-DR-A-1000) shall be reorganised to facilitate a pedestrian entrance to the block from the west at ground level, connecting into the proposed corridor which serves units BA1.G201 to BA1.G204. (c) Unit BD1.G203, as identified on drawing no. 19039-OMP-ZZ-00-DR-A-1000, shall be omitted from Block D1 and the remaining space shall be utilised to create a more generously sized and legible entrance lobby into the apartment block with reorganisation/repositioning of the stair and external lift access to be aligned more closely with the building elevation. (d) Studio unit BD2.G207, as identified on drawing no. 19039-OMP-ZZ-00-DR-A-1000, shall be omitted from Block B2 and the remaining space shall be utilised to create a more generously sized and legible entrance lobby into the apartment block with any additional unrequired space incorporated into unit BD2.G206. (e) Access for residents through the concierge areas shall be facilitated on a 24-hour basis to ensure full access to the lift areas of both apartment blocks.

- (f) The car parking level serving Block A1-B2 shall be reorganised to provide for a bin storage area to the southwestern section of the upper car park level to serve Block B2.
- (g) Unit BC.G201, as identified on drawing no. 19039-OMP-ZZ-00-DR-A-1000, shall be omitted and the remaining space utilised as either a bin or bicycle store to serve the development.
- (h) An additional pedestrian entrance into the development shall be provided adjoining the proposed emergency vehicle access from the R139. The proposed gates to all pedestrian entrances shall be omitted and pedestrian access points, including the new access point from the R139, shall remain permanently accessible.
- (i) The southfacing windows on the southern arm of Block D shall comprise standard glazing in place of the proposed opaque glazing.
- (j) The bicycle stand locations identified on the triangular parking island north of Block C-D1 (drawing no. 19039-OMP-ZZ-00-DR-A-1000) shall be repositioned so that the parking spaces are located on the northern side of the island with the bicycle spaces located on the southern side closer to the apartment building.
- (q) Apartment BA1.0104 (drawing no. 19039-OMP-ZZ-00-DR-A-1000) shall be provided with a balcony area of 7sqm minimum, in accordance with the Guidelines for Planning Authorities on Sustainable Urban Housing, Design Standards for New Apartments, 2020.
- (r) A revised site layout plan indicating a 1.5m privacy strip to ground floor apartments, in accordance with the advice at section 3.41 of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government, 2020.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to

	<p>commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the area.</p>
4.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings and detailed public realm finishes, including pavement finishes, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The render finish to external elevations of the development shall be replaced with an alternative durable, high quality material/finish.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>No additional development shall take place above roof parapet level of the shared accommodation buildings, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.</p>
7.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the</p>

	<p>agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
8.	<p>(a) Details of the proposed signage to the childcare facility to be submitted prior to occupation for the written agreement of the planning authority.</p> <p>(b) The proposed childcare facility shall be provided and retained as part of the development with access provided to both residents of the development and the wider community on a first come first served basis.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
9.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
11.	<p>(a) Details of the bicycle parking space location, layout, access to the basement, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p>

	<p>(b) Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, and in the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.</p>
12.	<p>A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the Developers expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The independent audit team(s) shall be approved in writing by the Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing. The Stage 2 Audit reports shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
13.	<p>The developer shall comply with all requirements of the planning authority in relation to all works to be carried out on the public road/footpath, to existing traffic signals, and areas to be taken in charge. Provision for cyclists shall comply with latest National Cycle Manual and Design Manual for Urban Roads Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2019, as amended.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>

14.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, with the exception of the car share spaces, unless the subject of a separate grant of planning permission.</p> <p>(b) Prior to the occupation of the development, a Car and Cycle Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and also to prevent inappropriate commuter parking.</p>
15.	<p>A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
16.	<p>Prior to the opening or occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents,</p>

	<p>occupants and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
17.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 – Detailed Design Stage Stormwater Audit. Upon completion of the development, a Stage 3 Completion Stage Stormwater Audit to demonstrate that Sustainable Urban Drainage Systems measures have been installed, are working as designed, and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
18.	<p>Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
19.	<p>Prior to the commencement of development the developer shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection.</p> <p>Reason: In the interest of aviation safety.</p>
20.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <p>(a) details of proposed boundary treatment to the childcare facility play area;</p>

	<p>(b) details in relation to the interface of site services and trees to be retained;</p> <p>(c) details in relation to the materials and external finishes proposed to the louvred car park walls and proposed planting plan adjoining the walls;</p> <p>(d) details in relation to public furniture/benches;</p> <p>(e) details in relation to layout and design of informal play facilities and equipment;</p> <p>(f) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures;</p> <p>(g) the Leylandii cypress tree belt to the west shall be retained during the construction period with the removal and replacement planting with mixed broadleaf varieties carried out on a phased basis over 10 years from commencement of works on site;</p> <p>(h) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of amenity, ecology and sustainable development.</p>
21.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within</p>

	<p>stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) proposed to be retained, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site, unless by prior agreement with a specialist arborist.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
22.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site to be retained and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of</p>

	<p>three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the protection of the trees on the site.</p>
23.	<p>A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
24.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>

25.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
26.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
27.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
28.	<p>Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended.</p>

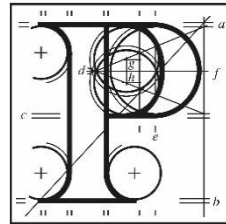
	<p>Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
29.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
30.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of</p>

	<p>such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Una O'Neill
Senior Planning Inspector

27th October 2021

Appendix A: EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-310944-21
Development Summary		Construction of 413 no. residential units, a crèche and associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA undertaken in respect of the Dublin City Council Development Plan 2016-2022.</p> <p>An AA Screening Report and EclA have been submitted which have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) and the Water Framework Directive (Directive 2000/60/EC).</p> <p>A Flood Risk Assessment that addresses the potential for flooding, which was undertaken in response to the EU Floods Directive (Directive 2007/60/EC).</p> <p>A Construction and Demolition Waste Management Plan has been submitted, which was undertaken having regard to the EC Waste Directive Regulations 2011.</p>
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<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
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		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises construction of residential units on lands zoned residential. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes construction of a residential development which is not considered to be out of character with the pattern of development in the surrounding area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The proposed development is located on brownfield lands within the Dublin City area. Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site for 413 units will result in an increase in population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, with other residential developments in the immediately surrounding area on zoned lands. The development has been considered in terms of its context and will not give rise to any significant additional effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>An Archaeological Assessment has been submitted with the application and the site is considered to be of low negligible archaeological potential. The design and layout of the scheme has considered all built environment, natural and cultural heritage issues and does not impact negatively on any built or known</p>	<p>No</p>

		archaeological structures, with mitigation measures proposed in terms of archaeology.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water and wastewater, however, no likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	Site investigations identified no risks in this regard.	No

2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to congestion is anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There is no existing sensitive land uses or substantial community use which could be affected by the project.	No

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

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

Real likelihood of significant effects on the environment.	No		
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

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

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

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

Inspector: _____ **Una O'Neill**

Date: _____ **27/10/2021**