



An
Bord
Pleanála

h

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

Inspector's Report ABP-311016-21

Strategic Housing Development

1,221 no. apartments, crèche and associated site works.

Location

GA03 Lands at Baldoyle and Stapolin (adjacent lands formerly known as the Coast), Baldoyle, Dublin 13.

Planning Authority

Fingal County Council

Applicant

The Shoreline Partnership.

Prescribed Bodies

1. Irish Water
2. National Parks and Wildlife Service
3. The Commission for Railway Regulation
4. Iarnród Eireann

5. Transport Infrastructure Ireland
6. The National Transport Authority
7. Fingal County Childcare Committee
8. Irish Aviation Authority
9. Department of Education and Skills.

Observer(s)

1. Aine O'Sullivan
2. Alan Sheehan
3. Andrei Llie
4. Aoibhin Cassidy
5. Audrey Lawless
6. Baldoyle Tidy Towns and Residents of Baldoyle (Aoife Cannon)
7. Brian Finnegan
8. Chloe and Ivan Kinahan
9. Cian O Callaghan
10. Claire Louise Martin
11. Clive Kent
12. David Penn-Chester
13. Eileen Derby
14. Eleanor Talbot
15. Emma Delaney
16. Emma Feehan and John Maguire
17. Janet McEvoy
18. Jennifer Nother

19. John Conway and Louth
Environmental Group (BKC
Solicitors)
20. Katie Jones
21. Katie Roche
22. Keith O Flanagan
23. Lisa O Connor
24. Michael Zacharek
25. Niamh Gleeson
26. Noreen Lynch
27. Rory Fogarty
28. Sabrina Joyce-Kemper
29. SB Coast Road CLG
Management Company,
Stapolin Management Company
CLG, Abbey Park and District
Residents Association Baldoyle
(Emma Feehan)
30. Sean Haughey
31. Stephen Doherty
32. Tomasz Wosczyński
33. Virgil Hammond

Date of Site Inspection

5 November 2021.

Inspector

Stephen Rhys Thomas

Contents

1.0 Introduction	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	8
5.0 Section 5 Pre Application Consultation	9
6.0 Relevant Planning Policy	14
7.0 Third Party Submissions	20
8.0 Planning Authority Submission	23
9.0 Prescribed Bodies.....	27
10.0 Assessment.....	29
11.0 Environmental Impact Assessment	76
12.0 Appropriate Assessment	93
13.0 Recommendation	115
14.0 Reasons and Considerations	115
15.0 Recommended Draft Board Order	118
16.0 Conditions	128

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. The application was made by The Shoreline Partnership and received by the Board on 4 August 2021.

2.0 Site Location and Description

- 2.1. The subject site, that has a stated area of 6.89 hectares, and is located on the southern fringes of Fingal County Council administrative area, approximately 8km north-east of Dublin city centre. It is located north west of Baldoyle village, and approximately 6km from Dublin airport. The Dublin-Belfast railway line and Clongriffin DART station abuts the western site boundary. The train line delineates the FCC and DCC boundary. The site is located approximately 500 metres from the Baldoyle Estuary area, the River Mayne lies approximately 300 metre to the north.
- 2.2. Lands further to the south and east have already been developed on foot of the Baldoyle AAP and this developed area is known as 'The Coast'. Closer to the southern tip of the site boundary, more recent housing development is under construction. The area is characterised as an emerging/developing residential and mixed use urban area and is identified in the Baldoyle-Stapolin LAP as one of Dublin's larger new development areas. The site is currently undeveloped, however construction activity is on-going to the south and there are haul roads and earth mounds on the site. The site is more or less level and is characterised by a combination of waste ground, former agricultural land with mature and overgrown hedges and spoil heaps. The site is at a lower level than the railway line along the western boundary.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development on a site of 6.89 hectares will consist of 1,221 residential units in 9 apartment blocks, ranging in height from 2 to 15 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	6.89 hectares
No. of Units	1,221 units (all apartments)
Density	177 units per hectare (gross)
Dual Aspect	515 apartment units (42%)
Other Uses	Crèche – 452 sqm (113 spaces) Block G4 Restaurant/Café – 205 sqm Block E3
Public Open Space	0.6 Hectares – 9% of the site
Communal / Semi-Private Space	10,263 sqm (open space - courtyards)
Tenant Amenity Space	2,301 sqm (internal tenant amenity space), multi-purpose rooms, working spaces, Wi-Fi zones, games rooms, meeting rooms, gym and cinema rooms.
Height	2-15 storeys
Parking	665 car parking spaces (632 basement, 33 surface) 2,021 resident bicycle spaces 312 visitor/commercial s bicycle spaces
Vehicular Access	Via new and emerging residential development from Red Arches to the east and Myrtle to the south. Limited vehicular access from a new rail bridge to the west.
Part V	122 (at Block F2)

3.2. Housing Mix

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	1	502	363	82	1,221
% of Total	0.01%	41%	51.99%	7%	100%

Building Heights in detail:

- Block E1, ranging in height from 5 to 8 storeys,
- Block E2, at 5-6 storeys,
- Block E3, at 6 storeys,
- Block E4, at 5 storeys,
- Block F1, ranging in height from 2 to 5 storeys,
- Block F2, ranging in height from 2 to 6 storeys,
- Block G1, ranging in height from 4 to 10 storeys,
- Block G2, ranging in height from 4 to 10 storeys,
- Block G3, at 7 to 15 storeys,
- Block G4, at 7 storeys,
- Block G5, ranging in height from 4 to 10 storeys.

A crèche of c.452 sq.m in the ground floor of Block G4 and a restaurant/cafe unit of c.205 sq.m on the ground floor of Block E3.

Car Parking is provided in a mix of undercroft for Blocks E1-E2, F1 and F2 and at basement level for Blocks G1-G3 and G4-G5 with a total parking of 632 spaces for residential units with 33 spaces at surface level for residential use and 8 spaces (4 staff in G4/G5 and 4 drop off) associated with the proposed crèche. 2,021 cycle parking spaces are provided for residents and 312 for visitor and commercial uses.

A new central public space between Blocks E1-E2 and E3 and E4 and a new linear space between Blocks G2- G3 and G4-G5 provides pedestrian and cycle connectivity from Longfield Road to the proposed Racecourse Park to the north.

New bus, cycle, pedestrian and taxi ramp to the south of the site and north of Stapolin Square providing access from Longfield Road to Clongriffin Train Station. Proposed road connections to the site to the south via the extension of Longfield Road and eastward through the regrading of the existing road, providing access to the subject site via these two roads. Vehicular and pedestrian access from Myrtle to the south, Red Arches to the east and Station Hill to the west.

4.0 Planning History

4.1. The Site: None

4.2. Adjacent Lands

F16A/0412 (PL06F.248970): 10 year permission for 546 units (385 aps; 161 houses) on these lands; density 63 units/ha; village centre with 1917 sq.m commercial floorspace including café, shops and crèche; pedestrian access to train station provided across a plaza known as Stapolin Square with steps & ramps; open space of 1.57 hectares at The Haggard to NE of main part of site. Granted on appeal 22 November 2017.

Reg. Ref ABP-310418-21 (SHD): Permission for 882 units, Lands formerly known as the Coast, Baldoyle, Dublin 13.

ABP-311315-21 - Park development project at the Racecourse Park. Case is due to be decided by 09/03/2022.

4.3. Applications of note on DCC lands (west of train line)

Reg. Ref 305316 (SHD): Permission for 916 apartments including the loss of 114 units (238 residential, 678 Build to Rent units), 2 crèches, 10 retail units and all associated site works. Primarily consisting of 6-7 storeys in height but also include 17 storeys at Block 17 and 15 storeys at Block 26. Density 163 units/ha

Reg. Ref. 305319 (SHD): Permission for 500 apartments (235 residential, 265 build to rent), crèche and all associated site works in block of 2 – 8 storeys in height. Density 200 units/ha.

PL29N. 248713 (Reg. Ref. 3634/16): Permission for 139 houses and 5 shops, including a tower 16 storeys high. November 2017.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application consultation with representatives from An Bord Pleanála, the applicants and the planning authority took place on the 4 February 2021 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-308743-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. Demonstrate/justify the suitability of the proposed site to accommodate the proposed height and residential density with regard to the provisions of the current Fingal County Development Plan, the Baldoyle - Stapolin Local Area Plan 2013 – 2019 (as extended), and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).

2. A clear design rationale for the proposed design, scale, layout and character of key buildings / street frontages and details of the materials and finishes of the proposed development, and the maintenance of same, high quality, robust and sustainable finishes and details are advised.

3. A report that addresses and provides a clear rationale and timeframe for the transfer of lands (within the applicant ownership) to the planning authority for the provision of a regional park / public open space.

4. Residential amenity report to include, daylight/sunlight analysis, micro-climate/wind impacts and noise impacts, together with proposals to address any such impacts, if necessary. A month-by-month assessment of average daylight hours within the public open space should be provided within the daylight and sunlight analysis document to allow for a full understanding of the year round level of overshadowing of the primary outdoor recreation areas.

5. A landscape and permeability plan of the proposed open spaces within the site clearly delineating public, semi-private and private spaces, areas to be gated and proposed boundary treatments, in particular the western boundary at the interface with the railway line.
6. A report that addresses and provides a justification for the proposed housing mix.
7. A building life cycle report in accordance with section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
8. A phasing plan for the proposed development, includes the phasing arrangements for the delivery of the public open spaces and Part V provision.
9. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.
10. Childcare Demand Report, which identifies demand for childcare places likely to be generated by the proposal and the capacity of the childcare facility previously granted on the subject site and existing facilities in the vicinity to cater for such demand.
11. School Demand Report, which identifies demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
12. A report addressing the issues raised in the planning authority's Transportation Planning Section's report dated 10th December 2020.
13. A report addressing the issues raised in the planning authority's Water Services Department report dated 8th December 2020.
14. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement

should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

1. Irish Water
2. National Parks and Wildlife Service
3. The Commission for Railway Regulation
4. Iarnród Eireann
5. Transport Infrastructure Ireland
6. The National Transport Authority
7. Fingal County Childcare Committee
8. Irish Aviation Authority
9. Department of Education and Skills

5.4. **Applicant's Statement**

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

5.5. **Applicant's Material Contravention Statement**

5.5.1. A Material Contravention Statement has been prepared that sets out the rationale as to why the development could be permitted even when the proposal would represent a material contravention concerning some objectives of the Fingal County Development Plan 2017-2023 (Development Plan), and the Baldoyle-Stapolin Local Area Plan 2013 (Local Area Plan/LAP), specifically relating to:

Building Height - Section 4D.4 of the Local Area Plan identifies building heights for the Local Area Plan (LAP) lands and identifies building heights in the range of 2-5 storeys with 'punctuation nodes' for development in this location. The Urban

Development and Building Heights – Guidelines for Planning Authorities (December 2018) establish the principle for the re-examination of height limits and should be considered over the Local Area Plan height limits on a site-specific contextual basis. The proposed development incorporates buildings with a range of heights, the maximum heights on all of the blocks exceed the height limits for residential development as set out in the Baldoyle-Stapolin LAP.

The proposed development, in exceeding the height limits as set out in the Local Area Plan, and responding to the Urban Development & Building Height Guidelines, achieves a significant quantum of residential development on a strategically located site in Dublin, proximate to a high quality public transport route.

It is considered that as such numerical heights, such as those set out in the Local Area Plan, should not apply and the site should be considered on a site specific basis, in accordance with the objectives of the Guidelines and in particular against SPPR3 of the Height Guidelines.

Density - Section 4D.2 of the Local Area Plan sets out a general minimum net density of 35-50 units / ha across the entire site of the Local Area Plan. The Sustainable Urban Housing, Design Standards for New Apartments (2020) establish the principle for the re-examination of density and should be considered over the Local Area Plan densities on a site-specific contextual basis.

The LAP in Section 4D.2 sets out a general minimum net density of 42-80+ units/ha across the entire site, subject to appropriate design and amenity standards in the LAP area. A Preferred Density strategy is set out in Figure 4D.1 of the LAP where density varies between medium and higher density, within a range of 42-80+ units/hectare. The subject application seeks a density of 177 units/ha overall.

The LAP densities equate to blocks E and F – 42-50+ and block G 50-80+, the proposed densities align with this strategy, as such it is considered that a Material Contravention may not have occurred but is included in the statement for completeness and to allow An Bord Pleanála to consider in their assessment of the Application. Objectives SS01 and SS16 of the County Development Plan support consolidation and higher densities at the right location.

Unit Mix - Objective RS 2 of the Baldoyle- Stapolin LAP 2013 states that ‘no more than 5% of units in any application or over the whole development, shall be one

bedroom units'. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020) contains SPPRs in relation to dwelling mix requirements, SPPR 1 which takes precedence over any conflicting policies and objectives of Development Plans.

Objective RS2 of the Baldoyle-Stapolin LAP 2013 sets out the requirements in relation the mix of dwellings provided as part of new developments, to ensure that one bedroom dwellings are kept to a minimum within the development and are provided only to facilitate choice for the homebuyer. In any event, no more than 5% of units in any application or over the whole development, shall be one bedroom units. Update national guidance in the form of SPPR 1 of the Apartment Guidelines (2020), seeks great mix and variety in apartment developments, and allows for up to 50% one bed or studio units. As such, given the proposed application is subject to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (December 2020) the scheme is compliant with SPPR 1 which post-dates the Local Area Plan and as such the inclusion of 41.23% of 1- bed apartments is acceptable.

Core Strategy - Chapter 2 of the Fingal Development Plan 2017-2023, as varied by Variation No.2 sets out the Core Strategy and Settlement Strategy for County Fingal. Table 2.2 sets out the Remaining Capacity Residential Units for Baldoyle which, if permitted, this Development would exceed.

It is considered that the combination of the current proposed alterations to the permitted development at GA01 (F16A/0412, as amended under F20A/0258 and F21A/0046) under a current SHD application resulting in a total of 981 units (an increase of 437 units) the proposed units on GA03 for 1,221 units (this application), will exceed the total of 1,498 units set out in the Core Strategy by 160 units.

Parking Provision - Section 12.10 of the Development Plan identifies parking standards for residential development. The Sustainable Urban Housing, Design Standards for New Apartments (2020) establish the principle for the re-examination of car parking provision and should be considered over the Development Plan parking standards on a site-specific contextual basis. The proposed development provides for 665 residents' car parking spaces associated with the 1,221 residential

units - an overall provision of 0.54 spaces per unit, less than advised in the statutory plan.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

6.1.2. Housing for All - a New Housing Plan for Ireland (September 2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

6.1.3. Project Ireland 2040 - National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

National Policy 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 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-base regeneration and increased building heights.

National Policy Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

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

6.2. Regional Policy

Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) 2019-2031.

MASP Housing and Regeneration policy object RPO 5.4 states that “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 goes on to identify that “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”

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartments Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

6.3. Local Policy - Development Plan

6.3.1. Fingal County Development Plan 2017-2023

The subject site is zoned RA ‘new residential’ under the statutory development plan. The objective of RA zoned lands is to ‘provide for new residential communities subject to the provision of the necessary social and physical infrastructure.’.

The subject site is also partially zoned HA ‘high amenity’, the objective of which is to ‘Protect and enhance high amenity areas’. No residential or ancillary residential development is proposed in this area, this land is solely included to allow for services connections as required by Irish Water.

Table 12.8 Car Parking Standards

Car parking standards provide a guide as to the number of required off-street parking spaces acceptable for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport.

The following will be part of the parking standards:

1. In the case of any use not specified, the Planning Authority will determine the parking requirements, based on similar uses and first principles.
2. Zone 1 relates to developments within 800m of a QBC or high quality bus service, or 1600m of an existing or planned Luas/DART/Metro/Rail station or within an area covered by a Section 49 Scheme, or in lands zoned Major Town Centre. Zone 2 relates to all other areas in the County.
3. In mixed use developments, the car parking requirement will take account of different uses having peak parking demands at different times of the day and week.
4. One space or more per 100 spaces should be reserved for disabled parking bays.
5. One space or more per 100 spaces should be reserved for electric vehicles with charging facilities

Objective BALDOYLE 3 Prepare and/or implement a Local Area Plan for lands at Baldoyle / Stapolin to provide for the strategic development of the area as a planned sustainable mixed use residential development subject to the delivery of the necessary infrastructure.

Daylight, Sunlight & Overshadowing - High levels of daylight and sunlight provide for good levels of amenity for residents. The internal layout of residential units should be designed to maximise use of natural daylight and sunlight. Daylight and sunlight levels, as a minimum, should be in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011) and British Standard (B.S.). 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or any update on these documents

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

Table 2.8 Total Residential Capacity provided under the Fingal Development Plan 2017-2023

6.3.2. **Baldoye-Stapolin Local Area Plan 2013 (extended to May 2023)**

Section 4D.1 **Housing Mix** - A vibrant, vital, inclusive and mixed new community

Objective RS 1 Require that a suitable variety and mix of dwelling types and sizes are provided in developments to meet different needs, having regard to demographics, social changes and the human life cycle patterns.

Objective RS 2 Ensure that one bedroom dwellings are kept to a minimum within the development and are provided only to facilitate choice for the homebuyer. In any event, no more than 5% of units in any application or over the whole development, shall be one bedroom units.

Section 4D.2 **Density**, figure 4D.1 and 4D.3 Density and Urban Design

Objective RS 6 Achieve a residential density in keeping with a compact urban form which reflects the character and function of the locality, having regard to the need to make the most efficient use of land and transport investment.

Objective RS 7 Seek to achieve the densities provided for in the Preferred Density Masterplan Figure 4D.1 in order to ensure the population catchment and critical mass necessary to support more services, justify existing and future investment in high quality public transport and community facilities and to generate the conditions for lively streets and open spaces. In any event, a minimum of 38 dwellings per hectare (net density) shall be required in each residential block.

Objective RS 8 Require, generally, a minimum net residential density of 50 units per hectare within the proposed village centre and along the northern boundary with Racecourse Park subject to appropriate design and amenity standards. This will be reflected within the village centre by the provision of between 120 – 190 residential units.

Objective RS 9 Ensure the development of sustainable residential communities through the promotion of innovative, high quality building design and layouts that prioritise non-car based movement and provide for a high level of permeability, accessibility and connectivity to the existing built environment, services and facilities.

Section 4D.4 **Building Height**

Objective RS 10 Ensure that future residential development proposals are in accordance with the principles set out in the DoEHLG document 'Sustainable Residential Development in Urban Areas 2009 and its companion document 'Urban Design Manual: A Best Practice Guide for Planning Authorities 2009, or any updated version of these documents published during the lifetime of this Plan.

Objective RS 11 Ensure general compliance with the parameters and detail set out in the LAP within Section 5 Urban Design.

Objective RS 12 Require buildings to conform to the heights set out in Figure 4D.2 Building Heights within the LAP lands.

Section 4E - **Community and Education**

Objective CI 8 Require the development of a childcare facility in the village centre and, where required, a second childcare facility shall be provided within the village centre or other suitable location as deemed necessary by the Planning Authority.

Section 4G - Sustainable Development Framework - 4G.2.1 Macro and Micro Climatic Considerations

- Sunlighting: Urban design should be responsive to climatic factors in a manner that conserves the amount of energy used to light and heat buildings and creates sunlit and comfortable public open spaces. As described in the building form, the urban block should be modelled to take account not only of positive orientation but the optimum aspect for day long passive sunlighting of spaces, streets and internal floor plates. Where possible design and layouts should seek to optimise the amount of solar gain in developments, whilst considering other urban design aspirations to provide 'live' frontage to all sides of a block, enabling active streets, supervised and well overlooked spaces.

- Daylighting: Building design should be developed to ensure optimisation of daylighting performance through the avoidance of deep plan building blocks and the provision of wide separating boulevard spaces. Daylight performance should be demonstrated for all development proposals through the use of lighting simulation software to demonstrate Vertical Sky Component (VSC) and Daylight Factor (DF) components.

Paragraph 5.12.3 Daylight, Sunlight and Climatic Factors

The range of building volume around individual blocks will need to take into account local climate to optimise comfort of both inside and outside spaces and to facilitate environmental sustainability. The principal factors are the sun and the wind.

In winter intermittent winds blow off the sea to the north east. Positioning the highest buildings to the north along the parkland edge will, to a certain extent, mitigate the effects of the wind over the village shielding building and spaces and maximising solar penetration on the southern aspect.

The height gradient should also be reflected in individual courtyard blocks, with higher buildings generally to the north and lower to the south.

High levels of daylight and sunlight provide for good levels of amenity for residents. The internal layout of residential units should be designed to maximise use of natural daylight and sunlight. Daylight and sunlight levels, as a minimum, should be in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.E. 2011) and British Standard (B.S.) 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or any update on these documents.

7.0 Third Party Submissions

- 7.1. 33 submissions were received and relate to a number of common issues that include: that the proposed development is a material contravention of the County Development Plan and LAP and there will be an adverse impact on environmentally sensitive areas. Proposed buildings are too tall and density is too great, all of which is out of character with the area and Baldoyle coastal area in particular. A large population will lead to traffic congestion, oversubscribed rail services and local

amenities will not be able to accommodate such growth. Most submissions supported residential development but not at the scale and density proposed, preferring conventional family homes instead. Many legal issues are also raised, as well as the thoroughness of the NIS and EIAR. The content of the submissions received can be summarised follows:

Design – not enough family homes proposed, the mix of one, two and three bed units is not geared for families and goes against the LAP guidance. The units are designed a build to rent model. Building heights are too high and 15 storeys is not wanted, a landmark building of 14 storeys has already been permitted at Clongriffin. The building heights will contravene the LAP, where a height range of 2 – 5 storeys is sought. Building height will impact upon the coastal area of Baldoyle in a negative way. More storage space should be provided in the proposed units.

The layout and design of the development will not be appealing for future residents. There should be more dual aspect units and at least 50% of the development should be, in line with section 28 guidelines.

Sunlight and daylight will be obstructed for existing residents in the area. The sunlight/daylight analysis does not assess the impact to existing/planned residential units in the area, only the bottom two floors have been selected for room tests,

Local environmental and climatic factors have not been fully considered, the local microclimate will be affected by the proposed height and scale of development.

Density – the proposed density contravenes the LAP and is beyond the advice contained in the Residential Density Guidelines.

Core Strategy – if the proposal is permitted it will allow nothing left for other development in Baldoyle.

Public transport – existing DART services are oversubscribed, and so higher density development does not make sense. Access to the station is not fit for purpose. There are not enough cycle paths. Access to the DART station should be completed in the first phase of development, the temporary access now in place is very poor.

There has been no assessment of glint and glare, aeroplanes making their approach to Dublin Airport may be affected.

Traffic – increased dwelling units will mean more cars and a lack of enough car parking spaces will mean haphazard car parking along roads and impede emergency vehicles. There are no visitor or commercial car parking spaces and this will lead to problems in the surrounding area. More drop off spaces should be provided for the crèche. Not enough electric vehicle charging points are proposed. Vehicular access via the Myrtle (via Longfield Road) and Red Arches (via Red Arches Road) residential estates and on to the Grange Road, means the entire area will be one enormous cul-de-sac.

The roundabout at The Coast already has traffic flow problems even without new development. The existing roundabout junction of Hole in the Wall Road with Grange Road (R139/R809) and Clarehall Avenue (R139) is the worst in D13 and traffic impacts are felt in the Baldoyle area.

Commercial/Social infrastructure – not enough school places, school waiting lists are so long, no medical facilities. There are not enough shops in the area. Antisocial behaviour will increase unless community resources are provided. The calculation of what size the crèche should be is incorrect.

Nature Conservation – too close to Baldoyle Bay. 7,000 more people will impact upon Baldoyle Nature Reserve. Walkways and cycle ways recently completed will be dominated by buildings not nature. A hope that planned ponds for the area would be completed properly to ensure the return of wildlife. Tall buildings will impact the local environment and bird species. No assessment has been made of greater dog and cat ownership on wildlife.

Flood Risk – Baldoyle is at risk from coastal flooding, a disaster waiting to happen if more units are built. Storm surge was not factored into the simulations which could lead to future flooding.

Infrastructure – surface water discharge to a pond then onward to the Mayne River, limits the possibility of bringing up water quality standards.

Tenure – the units will be owned by large corporations and not available for local people.

Part V – the cost of units is too high and not a good use of public money in order to acquire housing units.

Public Participation – the volume of material makes it very difficult to prepare a fully informed submission.

EIAR – the EIAR is flawed. The overall lands have been project split. The EIAR fails to address wastewater capacity issues in the area, all local pump stations routinely overflow, effluent overflow storage tanks are bypassed leading to polluted flows to sea. None of these factors have been modelled.

Procedural issues concerning the planning application process and procedure are raised as follows:

Application Form – questions with regard to land ownership and other aspects not answered.

Statutory consultees, not all consultees were consulted. An Taisce should have been consulted. IAA have been consulted but not Dublin Airport. Inland Fisheries Ireland not consulted, site is close to the Mayne River. Sea Fisheries Protection Authority should have been consulted because of proximity to Baldoyle Bay.

No public consultation has occurred.

Legal Queries - Section 28 Guidelines, in particular the Height Guidelines go against the SEA directive by allowing contraventions of the statutory plan without undergoing due process. The proposal does not comply with the Planning and Development Regulations 2001, the EIA Directive, Habitats Directive.

The development does not comply with the Height Guidelines, interruption of flight paths and bird strike have not been considered, various aspects of the NIS and EIAR are criticised as deficient.

The development cannot be described as SHD, because it is not strategically important, the proposal cannot be granted permission because it contravenes the statutory plan and cannot rely on SPPRs to justify it.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 23 September 2021. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan and

Local Area Plan policies and objectives. A summary of the views of elected members as expressed at the Area Committee on 1 September 2021 is appended to the Chief Executive's Report and summarised below.

- Permission should be refused because the development contravenes the Development Plan and Local Area Plan, excessive height and the resultant poor quality residential environment.
- Building height up to 15 storeys is not welcomed, higher densities can still be achieved if heights reduced.
- The proposed development lacks the right amount of car parking.
- The prospect of build to rent units and a transient population not welcomed.

8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

The planning authority support the principle of a residential development that deviates from the statutory plan in terms of density and height.

Urban Design, Architectural Expression and Layout – the location and design of the 15 storey landmark building (G3) that faces across to the proposed Racecourse Park should be amended in terms of building finishes Balustrades appropriate to the maritime influence of the site should be selected. Block G3 should be more prominent in terms of materiality from other buildings adjacent. The community park adjacent to block G2 should allow for a visual connection to Racecourse Park to the north, reconfiguration of G2 should be considered. To augment an active frontages, the western elevation of block G1 should be provided with own door units, and in general blocks G1 and G5 would benefit from similar design amendments at ground floor along northern/southern elevations.

Unit Typologies and Mix – a lesser proportion of one-bedroom units should form the dwelling mix, concern is expressed in this regard.

Residential Amenity – the submission of a variety of studies and assessments are noted by the planning authority. The PA have a concern about the quality of private amenity space afforded to the western elevation of block E1, where the separation distance from the main rail line is as close as 10 metres for projecting balconies. A

redesign of these balconies may require the reorientation and reconfiguration of block E1.

Green Infrastructure – the proposed development would generate a requirement for 4.36 Hectares of Class 1 open space and 6.89 Hectares of Class 2 open space. All Class 1 space should be transferred to FCC by agreement. Some open space is included in The Haggard, this area of open space is outside the red line boundary of the site and should not be used for open space calculations. A shortfall of 1,450 sqm of play space is not acceptable. The landscape plan is broadly acceptable subject to minor adjustment.

Movement and Transport – the proposed development would require 1,864 car parking spaces or a minimum of 1,302 according to the Development Plan, 655 residential spaces are proposed with no additional visitor spaces. The deficiency in car parking spaces is noted and specifically it is recommended that some visitor spaces are provided. The design of the childcare facility pull in area is too small and not enough car parking spaces are provided. The podium level car parking spaces are too small and some are hindered by the imposition of columns.

The ramped vehicular access to the station falls within the proposed development red line, this will be taken in charge by FCC. Similar concerns arise in relation to the construction of the ramp (as submitted in the adjacent application) and these should be clarified.

The contents of the Traffic and Transport Assessment are noted; however, concerns remain in relation to the capacity of junctions within the development to operate effectively.

Archaeology – a standard monitoring condition should be attached.

Infrastructure and Services – an FRA was carried out and it is noted that there are discrepancies between the FRA submitted at pre-app stage and the FRA submitted with the application. The surface water management strategy includes SuDS and this is acceptable. Water services details are noted.

AA and EIAR – submission of an NIS and EIAR are noted.

Taking in Charge – all finishes should be in line with the Council's taking in charge standards.

Part V – 122 units are to be provided within blocks E1, G1 and F1, an appropriate condition should be attached.

Biodiversity – the NIS fails to mention Racecourse Park as a required mitigation measure, for the development of GA3 lands in order to avoid impact to nearby designated sites.

The planning authority conclude that the proposed development is acceptable subject to 36 conditions some recommending modifications outlined above. Most conditions are standard and of a technical nature and conditions with regards to bonds and contributions are recommended. Of note, condition 3 recommends a 10 year duration of permission, condition 4 looks for significant amendments to block G3, G1, G2 and E1, condition 7 looks for public open space amendments, and condition 10 looks for specific podium car park and ramped access amendments.

8.3. **Departmental Reports (Fingal County Council)**

Water Services Section

- No objection subject to conditions.

Transportation Department

- No objection subject to conditions.

Parks and Green Infrastructure Department

- No objection subject to conditions.

Housing Department

- No objection.

Community Archaeologist

- No objection subject to conditions.

Environmental Health Officer

- No report subject to conditions.

Community, Culture and Sports Department

- No objection subject to conditions.

Bio-Diversity Officer

- No objection subject to conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was advised to notify of the making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

1. Irish Water
2. National Parks and Wildlife Service (Development Applications Unit - DAU)
3. The Commission for Railway Regulation
4. Iarnród Eireann
5. Transport Infrastructure Ireland
6. The National Transport Authority
7. Fingal County Childcare Committee
8. Irish Aviation Authority
9. Department of Education and Skills

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 4 August 2021. A summary of those prescribed bodies that made a submission are included as follows:

Irish Water (IW) - Based on the details provided by the applicant and on the capacity available in IW networks, new connection(s) to the existing network, to service this development are feasible. The applicant will be required to fund network extensions as part of a connection agreement. Technical and standard conditions are recommended if permission is granted.

Development Applications Unit (DAU) – the submission refers to archaeology and nature conservation as follows:

Archaeology – a standard condition in line with mitigation measures outlined in the EIAR are recommended.

Nature Conservation – Given the condition of the site itself, the lands are therefore of minimal ecological and nature conservation significance, but are close to the Baldoyle Bay Special Area of Conservation (SAC) and the Baldoyle Bay Special Protection Area (SPA). There is a direct hydrological pathway from the development site to these European sites via the surface water drainage system from the site which is to discharge to an attenuation pond/ constructed wetland sited on the flood plain of the Mayne River.

The Appropriate Assessment (AA) Screening report correctly considers that the only Natura sites which might potentially be affected by the proposed development are the Baldoyle Bay SAC and the Baldoyle Bay SPA.

There is agreement in the assessment of the potential impact of human disturbance on these European sites, though it is noted that the NIS and EIAR do not specifically address the possible ex-situ disturbance impacts of the proposed development on SCI species and particularly potential disturbance to the brent goose flocks which graze the grassland areas adjacent to the development site, and mainly on the lands of the new Racecourse Park. However, as Fingal County Council's plans for the park, in part already implemented, provide for management of much of it for nature conservation purposes, including preventing undue disturbance of the brent geese by humans and their dogs, the assessment that human disturbance impacts on the SPA should not be significant remains acceptable. However, additional measures on the subject site, such as signage could be implemented and continue monitoring as set out in the EIAR.

Tall buildings with glazed surfaces and bird strike are a concern, a design scheme for the glazing of the apartment blocks proposed based on principles derived from Toronto's Green Standard, should be considered. A total of four detail conditions are recommended to address the issues above.

Department of Education – to meet existing and projected need, permission should not be granted until a suitable site for a post-primary school to serve the area is identified.

Transport Infrastructure Ireland – no comments.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses the proposed development in the context of the statutory development plan and the local area plan. My assessment also focuses on national policy, regional policy and the relevant section 28 guidelines. In addition, the assessment considers and addresses issues raised by the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Material Contravention Statement
- Residential Amenity
- Layout and Design
- Traffic and Transport
- Infrastructure
- Other Matters

10.2. Principle of Development

10.2.1. The application site is zoned RA 'new residential' under the Fingal Development Plan. The objective of RA zoned lands seeks to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure.' Residential is a permissible use in this land use zoning. A small portion of the site refers to drainage infrastructure in the form of below ground pipes connecting the development to existing infrastructure, and is zoned HA 'high amenity', the objective of which is to 'Protect and enhance high amenity areas'.

10.2.2. The site also lies within the Baldoyle- Stapolin Local Area Plan (LAP) 2013 (Extended to 2023), a very small portion of the site boundary that includes the ramped access to the bridge over the railway and linkage street to permitted development to the south is situated within the Village Centre zoning objective of the LAP. Other objectives articulated in the LAP that relate to the subject site, are an

access way to 'Racecourse Park' and the park itself to the north. The provision of a crèche, and the identification of a new school site north of the village centre subject to requirements are also highlighted in the LAP.

10.2.3. The proposed development accords with the land use objectives for the area as detailed in the County Development Plan and Local Area Plan. The planning authority acknowledge that the principle of residential and some commercial development at this location is acceptable. It is my view that the principle of residential and some commercial development at this location is completely acceptable, subject to the normal parameters of good urban design, residential amenity and other planning considerations.

10.2.4. Not all observers oppose residential development at this location, some acknowledge that residential units were always planned for this area and some have already been permitted. I am satisfied that the residential scheme with a very minor commercial component proposed by the applicant will not adversely impact on the objectives of the County Development Plan or LAP for the site. Given the foregoing, I am of the opinion that the proposed development cannot be considered to materially contravene the Development Plan in relation to the zoning of the land and permission could be granted subject to the other considerations and assessments below.

10.3. **Material Contravention Statement**

10.3.1. The applicant has prepared a material contravention statement that addresses the possibility that the proposed development could materially contravene the Height, Density, Unit Mix, Core Strategy and Car Parking Provision objectives of the statutory plans for the area. Some observers have also raised the issue of a material contravention of the development plan in relation to height and density, and argue the overall scale of the development is not appropriate here. According to the applicant's statement the proposed development would contravene the various plans as follows:

- Baldoyle- Stapolin Local Area Plan (LAP) 2013 with regards to the height, density and unit mix parameters set out in the LAP.
- Fingal County Development Plan 2107-2023 with regard to core strategy and parking provision for apartments.

- 10.3.2. I address each of these elements in the following sections of my report.
- 10.3.3. **Building Height** – the applicant recognises that the proposal for taller apartment buildings than previously permitted could materially contravene section 4D.4 and figure 4D.2 of the LAP that identifies a range of upper limits for building heights with opportunity for ‘Punctuation Nodes’ of increased height within the application site boundary. The limits in the LAP range from 2 to 5 storeys with a number of punctuation nodes. The proposed development includes apartment blocks more than 2 storeys in height and up to 15 storeys in one case (block G3).
- 10.3.4. The applicant applies section 28 guidelines to rationalise the taller building elements proposed, and highlights that SPPR1 of the Height Guidelines specifies that there shall not be provision for blanket numerical limitations on building height. Specifically, the proposed development includes apartment blocks that all exceed the height limits as set out in the Local Area Plan and so the applicant applies the development management criteria contained in section 3.2 of the Height Guidelines.
- 10.3.5. The planning authority note that the building heights proposed would contravene the LAP in terms of the height strategy for area. Nodal points are marked out for height, though the location of the 15 storey building is not one of those. In addition, the building heights permitted to the west of the railway line are noted, but the subject location could be visually prominent from the coastal area of Baldoyle, an area that is identified as a highly sensitive landscape. Despite these concerns, the planning authority are supportive of the deviation from LAP objectives for the area in terms of height. However, some observers are concerned that the heights proposed could adversely impact upon the character of Baldoyle Village.
- 10.3.6. In terms of the form and scale of the development proposed I note that the Urban Development and Building Heights Guidelines link building height with achieving higher residential densities. This is clearly set out in a specific planning policy requirement (SPPR 4) as follows:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as

amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;

- 10.3.7. The height guidelines state that it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility. The subject site accords with the Apartment Guidelines as a site within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas). The site is therefore a highly accessible site and qualifies as a good location to both increase residential density and in this instance building height. Based on this assumption the applicant makes the case that it is appropriate to contravene the development plan in line with national guidance. Some local observers are not satisfied that it is appropriate to locate taller buildings on the site especially where they will impact upon the coastal landscape of Baldoyle. The planning authority echo the point that the coastal area is a landscape of importance.
- 10.3.8. The building heights proposed by the applicant range from two storeys to seven/nine storeys with a single 15 storey tall element at the interface with ‘Racecourse Park’, a park that is yet to receive planning consent. The two to four storey elements are to be found along the extension of Longfield Road and this broader area will be up to six storeys in height. In general, the taller elements of the scheme belong to blocks E1, G1, G2, G3, G4 and G5 and to be found at the north and western perimeter of the site. The layout is based around a regular urban grid, opening out like fingers northwards to ‘Race Course’ park. A central community park is proposed at the centre of E blocks and linear greenways thread northwards to the park yet to be permitted. I note that section 3.0 of the Building Height Guidelines set out development management criteria in order to assess the appropriateness of taller buildings at a set location, section 3.2 of the guidelines refer. The following sections of my report assess the proposed development against these criteria as follows:
- 10.3.9. At the scale of the relevant city/town – the site is very well served by public transport with a railway station adjacent to the site, a nearby bus/train interchange and a planned bus route through the site to the south. There are pedestrian/cyclist connections to the wider area. The taller elements of the scheme, up to seven/nine storeys with a 15 storey key point building are located at the northern end of the site,

quite close to public transport and overlooking a planned regional park (Racecourse Park). There are no architecturally sensitive areas or protected landscapes in the immediate vicinity. Baldoyle village and the coastal area are a significant distance to the east beyond existing suburban development and in my opinion has no relationship with this site, the photomontage images prepared by the applicant illustrate this, Views 20, 11, 15, 16, 25, 13, 22 and 23 refer. The principal characteristic of the development is the consolidation of an existing urban core at the railway station. The site is flat and level with no challenging topography to deal with, but buildings have been graduated in height to provide acceptable levels of residential amenity for future occupants and good communal open spaces. The proposed development will make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of nearby development. Importantly, the higher buildings and greater density will be focused at a new regional park and close to an existing railway station, with good amenity spaces interspersed amongst blocks.

10.3.10. At the scale of district/ neighbourhood/ street – a new street network will be developed, and an improved public realm will result from the scheme. In design terms the overall layout, scale and design of the apartment buildings will not result in long, uninterrupted walls of building in the form of slab blocks. Instead, the design of the apartment buildings has been broken up and materials are well selected and appropriate. The urban design of the entire scheme is well considered and there are no flood risk issues as demonstrated by the findings of the FRA submitted with the application. Overall, the proposal makes a positive contribution to the improvement of legibility through the site and wider urban area and especially access to a new regional park to the north. The proposal positively contributes to the mix of dwelling typologies available in the neighbourhood.

10.3.11. At the scale of the site/building - The form, massing and height of the taller elements have been designed to provide adequate levels of daylight and sunlight for future occupants and the design has been sensitively arranged to provide adequate levels of sunlight/daylight to existing neighbouring properties. This has been modelled and demonstrated in the Daylight/Sunlight and Overshadowing analysis

carried out by the applicant in accordance with BRE/BS guidelines, this is examined in detail in the following sections of my report.

10.3.12. The applicant has also prepared specific assessments to support the proposals for taller elements at the western and northern end of the site. These assessments include: Architectural Design Report, Landscape and Visual Impact Assessment, Daylight Sunlight and Overshadowing Assessment, Photomontage and CGI images. The subject site falls outside any development plan designations under airport noise zones, noise contours, airport approach areas, public safety zones or other zones identified as necessary for designation in order to maintain or increase the quality of life of neighbouring communities and aviation activities. A submission from the Irish Aviation Authority (IAA) was sought but none received. I note that a recent planning application of similar building heights immediately south of this site did receive a submission in relation to aviation safety, ABP-310418-21 refers. In that instance the IAA state that the developer should liaise with DAA/Dublin Airport and the IAA's Air Navigation Service Provider to identify the impact if any (including the operation of cranes) on Dublin Airport's obstacle limitation surfaces, flight procedures and communication, navigation and surveillance equipment. An appropriate lighting scheme should also be devised for the construction and operational phase of development. I am satisfied that, there are no air navigation concerns in the area, the location of Dublin Airport is over 7 kilometres to the north west and outside any limitation zones identified in the Development Plan. Having regard to the distance from the airport, the relative heights and lack of any specific airport constraints highlighted in the statutory plan or any reason not to permit the development, I am satisfied that this is not a material consideration such as would warrant a refusal or redesign of the proposed development. I am satisfied that the location and design of the taller elements of the scheme, with one part of up to 15 storeys at the interface with a planned regional park is acceptable and accords with the requirements of SPPR 3 and crucially the wider strategic and national policy parameters set out in the National Planning Framework and section 28 guidelines.

10.3.13. I conclude that the proposed development would materially contravene the Baldoyle Stapolin Local Area Plan in relation to height, as articulated by section 4D.4, that identifies a range of upper limits for building heights. However, I am satisfied that the Board can grant permission in accordance with section 37(2)(b) of

the Planning and Development Act 2000 (as amended). In terms of section 37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development and comprises a significant amount of housing units (1,221) that will 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 issued in July 2016 and the recently published government strategy Housing for All - a New Housing Plan for Ireland (September 2021). Also noted in relation to height, the National Planning Framework that highlights National Policy Objectives (NPOs), as follows:

National Policy 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 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-base regeneration and increased building heights.

This site is just such a case where, subject to performance criteria, taller buildings should be considered.

10.3.14. Finally, and in relation to the Urban Development and Height Guidelines SPPR 3, as can be seen above that by applying the development management criteria set out in section 3.2 of the guidelines the proposed development will provide an effective mix of 2, 3 and 4-storey development which integrates well into the existing and emerging neighbourhood and that 4 storeys or more can be accommodated alongside existing larger buildings and along wider streets, close to a railway station and the creation of a new public open spaces and overlooking a planned regional park.

10.3.15. **Residential Density** – The proposed development is for 1,221 apartment dwelling units over a site area of 6.89 hectares, this results in a gross density of 177

dwelling units per hectare (uph). The LAP in Section 4D.2 sets out a general minimum net density of 35-50 units / ha across the entire plan lands. A Preferred Density strategy is set out in Figure 4D.1 of the LAP where density varies between medium-high and high density, within a range of 42-80+ units/hectare. The overall site falls within Area B and C, meaning that a medium-high density of 42-50+ uph and high density of between 50-80+ can be accommodated.

10.3.16. The planning authority note the residential density strategy advanced by the applicant. From a good planning perspective, the applicant has pursued a logical and sustainable residential density gradient for the site. I also note that the LAP logically maps out where higher densities should occur and this should happen next to the railway station and close to the planned regional park to the north. The LAP identifies 50-80+ uph as a preferred density for the inner and outer part of the plan lands and in my view the provision of a plus sign indicates that densities can surpass this bar in certain circumstances. The circumstances are outlined by the LAP and relate to good urban design and proximity to the railway station. The limits imposed by the LAP refer to minimum densities as a requirement, in this regard I note Objective RS 7, that states:

Seek to achieve the densities provided for in the Preferred Density Masterplan Figure 4D.1 in order to ensure the population catchment and critical mass necessary to support more services, justify existing and future investment in high quality public transport and community facilities and to generate the conditions for lively streets and open spaces. In any event, a minimum of 38 dwellings per hectare (net density) shall be required in each residential block.

10.3.17. And also, Objective RS 8, that states:

Require, generally, a minimum net residential density of 50 units per hectare within the proposed village centre and along the northern boundary with Racecourse Park subject to appropriate design and amenity standards.

10.3.18. From the phraseology used by the LAP, I conclude that the provision of 177 uph (gross) as advanced by the applicant would not materially contravene the development as medium-high and high residential densities are allowed for by the provision of a range between 50+ - 80+ uph. The Board may consider that the statutory plan is materially contravened with respect to residential density, and I am

satisfied that section 37(2)(b) of the 2000 Act could be invoked. This would accord with the National Planning Framework, with a focus on adequate supply of serviced zoned lands to meet housing need, at the required density. Increases in residential density at appropriate locations is supported by NPO 35 of the NPF and the advice set out in the Apartment Guidelines that states accessible locations are generally suitable for large-scale and higher density development, that may wholly comprise apartments.

10.3.19. **Unit Mix** – The applicant sets out that Objective RS 2 of the Baldoyle-Stapolin LAP 2013 states that ‘no more than 5% of units in any application or over the whole development, shall be one bedroom units’. The applicant states that the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) contains SPPRs in relation to dwelling mix requirements, SPPR 1 which takes precedence over any conflicting policies and objectives of Development Plans. The unit mix proposed by the applicant is as follows:

- Studio 0.01%
- 1 beds 41%
- 2 beds 51.99%
- 3 beds 7%

10.3.20. The planning authority do not definitively state that a material contravention of the development plan occurs but would prefer a lesser proportion of studio apartments. Observers also do not agree with the high proportion of one bedroom apartments, and they see no provision of family sized units in order to provide a more balance community.

10.3.21. SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). An HNDA has not been prepared by the planning authority and so the proposed development includes 41% studio/one bed units, 52% two bed units and 7% three bed units, all in accordance with national policy. The planning authority do not oppose the unit mix proposed but would prefer less studio/one bed units.

10.3.22. The planning authority do not explicitly state that the unit mix proposed would be a material contravention of the County Development Plan or LAP. Given the existing character of the area I note the Apartment Guidelines (in relation to the statutory planning framework) discusses the need to facilitate a mix of apartment types that better reflects household demand and formation, SPPR 1 refers:

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

10.3.23. In this regard I note no mention that a HNDA has been prepared to date. The proposed development would provide a greater mix of building heights and typologies or unit mix as sought by SPPR 4 of the Height Guidelines. In the context of this site the provision of apartment units between studio/one, two and three bedrooms in format is entirely acceptable. The Apartment Guidelines in relation to unit mix look to a more informed approach (HNDAs), the planning authority have stated a preference and I note that the statutory county plan does not specifically highlight dwelling mix objectives. In this regard I note Objective PM38 of the County Development Plan that seeks to achieve an appropriate dwelling mix, size, type, tenure in all new residential developments. In addition, section 12.4 of the Development Plan under Mix of Dwelling Types states that the mix in any residential scheme should provide a balanced range of dwelling types and sizes to support a variety of household types. Design Statements for residential or mixed use development proposals with a residential element will be required to address the mix of dwelling types. However, as the applicant points out, Objective RS 2 of the LAP states that one bedroom dwellings are kept to a minimum within the development and are provided only to facilitate choice for the homebuyer. In any event, no more than 5% of units in any application or over the whole development, shall be one bedroom units. In my mind there seems to be contrary objectives between the Development Plan and LAP, however, it appears to me that the LAP would be

materially contravened. In this instance the proposed development is in accordance with national policy and capitalises on the inherent flexibility shown by the County Development Plan to provide a mix of dwelling types, but contrary to the LAP. It can be seen that the applicant's unit mix accords with the County Development Plan but not the LAP, but the development meets the requirements of SPPR 1 of the Apartment Guidelines. I am satisfied that the proposed development is in line with the advice contained in the Apartment Guidelines with respect to unit mix, despite contravening the statutory plan and permission could be granted. Additionally, and with respect to the planning application in hand I underline SPPR 4 of the Height Guidelines that seeks a greater mix of building heights and typologies.

10.3.24. **Core Strategy** – the applicant states that Chapter 2 of the Fingal Development Plan 2017-2023, as varied by Variation No.2 sets out the Core Strategy and Settlement Strategy for County Fingal. The applicant states that Table 2.2 sets out the Remaining Capacity Residential Units for Baldoyle which, if permitted, this Development would exceed. This is explained by a recent permission at GA01 (F16A/0412, as amended under F20A/0258 and F21A/0046) under a current SHD application resulting in a total of 981 units (an increase of 437 units) the proposed units on GA03 for 1,221 units (this application), will exceed the total of 1,498 units set out in the Core Strategy by 160 units. It is concluded that the proposed development would overstep the core strategy target and therefore materially contravene the development plan.

10.3.25. In my view it is the case that the core strategy target for the area would be breached if the proposed development were to be permitted. The planning authority note the potential for a material contravention of the development plan with regard to the core strategy but did not recommend a refusal on this basis. Observers note that if the current proposal is permitted it would leave no room for any other development to occur in the Baldoyle area.

10.3.26. The proposed development is situated on zoned lands, is well positioned relative to commercial facilities, social and community services and public transport services at Clongriffin Dart Station and bus services and adheres to the density range envisaged for these lands under the LAP. I have to be satisfied that the proposed development of 1,221 units that would when combined with other permitted development in the vicinity go over the core strategy allocation of 1,498

units for Baldoyle/Sutton is sustainable from a planning perspective and supported by national planning policy. In terms of sustainable development, the intention is to situate 1,221 dwellings, café/restaurant and a crèche on land contained within an LAP, close to a railway station and emerging commercial 'village' centre. The development will provide new public realm and be well connected to all these services and facilities. I am satisfied that the resulting contravention of the residential capacity target for Baldoyle/Sutton is not of such significance that its impact will be felt negatively, in terms of environmental impact for instance and this is demonstrated by the EIAR submitted by the applicant. From the perspective of national policy, I note that the National Planning Framework (NPF) seeks balanced regional growth, the promotion of compact development and the need to avoid urban sprawl, the emphasis is on the development of lands linked to existing infrastructure to ensure sustainable development. In my mind, though the proposal would materially breach the potential residential units of 1,498 for Baldoyle/Sutton, such a breach is warranted given the necessity to meet housing demand and national policy in relation to housing delivery on serviced land. This is the right location for new housing in Baldoyle/Sutton at the right quantum and at an extremely efficient residential density.

10.3.27. It is the context of the forgoing that a material contravention of the core strategy is acceptable as it will fulfil recent national policy to meet housing need at the required density, Housing for All (2021). Which in turn builds on the National Planning Framework National Policy Objectives (NPOs) to 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-base regeneration and increased building heights, NPO 35 refers. In addition, NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Finally, the exceedance of the core strategy is appropriate given the advice provided the Apartment Guidelines and Building Height Guidelines that state accessible urban locations are generally suitable for large-scale and higher density development, that may wholly comprise apartments, subject to detailed urban design and planning considerations.

10.3.28. **Parking Provision** - Section 12.10 of the Development Plan identifies parking standards for residential development, objective DM113 refers to standards set out in table 12.8. The proposed development provides 665 residents' car parking spaces associated with 1,221 residential units (a provision of 0.54 spaces per unit for the apartments units). According to the planning authority, the quantum of development proposed would generate 1,864 car parking spaces or a minimum practical parking requirement of 1,302 spaces. The planning authority do not form any conclusive view on whether the parking proposed is acceptable or that a material contravention of the development plan occurs. On the whole the planning authority support the proposed development and recommend a number of conditions to clarify or refine the car parking arrangements, for instance additional visitor car parking spaces are suggested.

10.3.29. At a minimum the development plan would require 1,302 car parking spaces, the applicant has proposed 665 spaces, I consider this to be a material contravention of development plan objectives to provide the requisite car parking spaces. The applicant states that a parking standard of 0.54 space per apartment unit is acceptable and appropriate, though below the Development Plan standard, it is in line with the Apartment Guidelines, that would apply to this site. Observers are very concerned that car parking will become a greater problem than it already is, with ad hoc parking because there is such a deficit in car parking spaces to be provided. I address the concerns with regard to parking more specifically in relation to the Traffic and Transport section of my report. However, the proposed development is located immediately adjacent to a heavy rail station with frequent and reliable train services. Bus services are also located nearby and planned for within the adjacent development. Finally, walking and cycling provision is an integral part of the overall scheme. Taking all of these factors into account the apartment guidelines state that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. In this instance, the site is located at an accessible urban location and so car parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. I am satisfied that the proposed development is in line with the advice contained in the Apartment Guidelines with

respect to car parking, despite contravening the statutory plan and permission could be granted.

- 10.3.30. The planning authority are supportive of the proposed development in terms of height, density and parking provision but would prefer less studio/one bed units. No definitive statement from the planning authority in relation to where their statutory plans are materially contravened is forthcoming. However, I am satisfied that the proposed development would contravene the Baldoyle Stapolin LAP in terms of building height and unit mix, and the County Development Plan in terms of core strategy and car parking standards. No statutory plan is contravened in relation to residential density.
- 10.3.31. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 10.3.32. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.
- 10.3.33. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.
- 10.3.34. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:

(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.

10.3.35. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.

10.3.36. In relation to section 37(2)(b)(i), the matter of strategic or national importance, the current application has been lodged under the Strategic Housing legislation and comprises a significant amount of residential units (1,221) to meet the housing need of the area, and the proposal could therefore be considered to be strategic in nature. Given the site's location within a Growth Area of the Baldoyle-Stapolin Local Area Plan, and next to Clongriffin Railway Station, the application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

10.3.37. In relation to section 37(2)(b)(ii), the matter of conflicting objectives in the development plan, I note that Objective PM38 of the County Development Plan seeks to achieve an appropriate dwelling mix, size, type, tenure in all new residential developments, no specific targets are mentioned. However, Objective RS 2 of the LAP seeks to limit one bed units to no more than 5%, the rigid approach of the LAP is at odds and conflicts with the flexibility of the Development Plan. The statutory plans contain conflicting objectives for dwelling mix, I recommend the Board invoke section 37(2)(b)(ii) of the Act in this instance.

10.3.38. In relation to section 37(2)(b)(iii), at a national policy level I note the recent publication of the Housing for All - a New Housing Plan for Ireland (2021) and the

National Planning Framework National Policy Objectives (NPOs) that seek appropriate residential density at the appropriate location. It would be acceptable in light of the national policy imperative to increase housing and in turn residential density to exceed the core strategy of the Fingal Development Plan in this instance. Consequently, NPO 35 seeks to 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-base regeneration and increased building heights and NPO 33 that seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

10.3.39. In terms of the regional planning guidelines for the area, I note that the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs and this often results in taller buildings. Uplift in densities will in turn impact upon core strategy targets and the proposed development materially contravenes the development plan in this respect. However, I am satisfied that the resulting contravention of the residential capacity target for Baldoyle/Sutton is not of such significance that its impact will be felt negatively, in terms of environmental impact for instance and this is demonstrated by the EIAR submitted by the applicant. From the perspective of national policy, I note that the National Planning Framework (NPF) seeks balanced regional growth, the promotion of compact development and the need to avoid urban sprawl, the emphasis is on the development of lands linked to existing infrastructure to ensure sustainable development. Such a breach of the statutory plan is warranted given the necessity to meet housing demand and national policy in relation to housing delivery on serviced land. This is the right location for new housing in Baldoyle/Sutton at the right quantum and at an efficient residential density.

10.3.40. 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. The proposed development is furthermore in compliance with the Urban Development and Building Height Guidelines in particular SPPR 3, which references section 3.2 Development Management Criteria. I have assessed the proposed development against the section 3.2 criteria of the guidelines in preceding

sections above. Despite conflicting objectives in terms of unit mix, I note that in this instance the proposed development meets the requirements of SPPR 1 of the Apartment Guidelines and SPPR4 of the Building Height Guidelines. In terms of car parking provision, I note that the same guidelines advise that car parking provision can be minimised, substantially reduced or wholly eliminated at accessible urban locations, section 4.19 of the Apartment Guidelines refer. Having regard to the provisions of Section 37(2)(b)(iii), it is justified, in my opinion, to contravene the Fingal County Development Plan 2017-2023 in relation to the core strategy and car parking provision, and the Baldoyle Stapolin Local Area Plan 2013 in terms of height and unit mix.

10.3.41. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan where taller buildings were proposed, I am aware of recent planning permissions for housing and strategic housing granted in the immediate area. For example:

- 310418 (SHD): Permission for 882 apartments and houses, up to 15 storeys in height, commercial and retail space. Density 96 units/ha.
- F16A/0412 (PL06F.248970): 10 year permission 546 units.
- 305316 (SHD): Permission for 916 apartments, primarily consisting of 6-7 storeys in height but also includes 17 storeys at Block 17 and 15 storeys at Block 26. Density 163 units/ha.
- 305319 (SHD): Permission for 500 apartments 8 storeys in height. Density 200 units/ha. Reference number PL29N. 248713 (Reg. Ref. 3634/16): Permission for 139 houses and 5 shops, including a tower 16 storeys high.

10.3.42. The current proposal is similar in height terms to recently permitted development and broadly meets with the planned objectives for the area and so section 37(2)(b)(iv) of the Act could be invoked in this instance.

10.3.43. Section 37(2)(b) of the 2000 Act sets out four criteria, to allow the Board to consider permitting a development that poses a material contravention of the operative plan other than in relation to the zoning of the land. Should the Board be minded to initiate the material contravention procedure, as it relates to Development Plan policies pertaining to the core strategy and car parking and the Local Area Plan

objectives that relate to building height and unit mix, I consider that the provisions of Section 37(2)(b)(i), (ii), (iii) and (iv) have been met, and in this regard I consider that the Board could grant permission for the proposal.

10.3.44. I am of the opinion that given its zoning, the delivery of residential development on this well located and serviced site, in a compact form comprising well-designed, higher density units and taller buildings comprising apartments would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in an accessible location; it is within easy walking distance of public transport in an existing serviced area. The proposal seeks to widen the dwelling mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of higher residential densities and taller buildings is considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands.

10.4. Residential Amenity

10.4.1. As with any residential scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is a primary consideration. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority have no concerns. Observers are concerned about how daylight/sunlight analysis has been conducted on the site and question why not all units were selected for assessment. The applicant has submitted a variety of architectural drawings, sunlight/daylight analysis, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to address issues to do with residential amenity.

Proposed Residential Amenity Standards

10.4.2. The proposed development comprises 1,221 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In

this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in 11 distinct blocks, set around communal courtyard areas. Blocks E1, E2, F1 and F2 stand over a podium level with car parking under. Blocks G1, G2, G3, G4 and G5 sit over a full basement level and the communal courtyard can be accessed from street level to the south but sits over public open space to the north. Blocks E3 and E4 stand at street level with no basement. The building heights of the apartment blocks mostly range between four and six storeys, with some building heights of seven/eight up to ten storeys at blocks E and G, with one building up to 15 storeys (G3). The applicant states that all of the apartments exceed the minimum area standard. The applicant has also submitted a Schedule of Accommodation and Housing Quality Assessment as part of the Architectural Design Statement, that outlines a full schedule of apartment sizes, that indicates proposed floor areas and required minima. The planning report that accompanies the application, states that the proposed residential units meet or exceed the minimum standards for apartment sizes and that all units are above minimum floor standards and many exceed these standards significantly.

10.4.3. In summary, of the apartment units, it is stated that 662 units are larger than the 10% over minimum required by the guidelines, this amounts to 54% of the total number of units proposed, 515 units (42%) of units are described as dual aspect and all balcony/patio areas meet minimum requirements. I have interrogated the schedule of floor areas presented by the applicant and found these figures to be accurate. I am satisfied that the dual aspect design advanced by the applicant is acceptable and will provide satisfactory apartment units with adequate outlook and private amenity spaces are of a satisfactory size.

10.4.4. Dwelling Mix – In terms of apartment units (a total of 1,221 units), the proposed development provides 1 studio unit (less than 1%), 502 one bed units (41%), 636 two bed units (52%) and 82 three bed units (7%). Specific Planning Policy Requirement 1 of the guidelines state that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. The amount of one bed units is significantly below the upward amount of 50% allowed for in the guidelines, with 41% of the total proposed development as one bed units and less than 20-25% as

studios. I note the concerns raised by the planning authority about studio/one bedroom apartments and that they should be reduced in number. In this respect I note the housing mix objective contained in the LAP and that the proposed development would materially contravene that objective, however, I note that the County Development Plan allows for flexibility in relation to housing mix. In addition, I note the issues raised by observers in relation to studio/one bedroom units and the lack of social cohesion that may result. I am not convinced that the provision of 503 studio/one bedroom units would necessarily unbalance the sense of community that will undoubtedly grow in this new urban area. In my opinion the introduction of studio, one, two and some three bedroom apartment units will satisfy the desirability of providing for a range of dwelling types/sizes, having regard to the character of and existing mix of dwelling types in the area. SPPR 1 is therefore met.

10.4.5. Apartment Design Standards - Under the Apartment Guidelines, the minimum gross floor area (GFA) for a studio apartment (1 person) is 37 sq.m, 1 bedroom apartment (2 person) is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m, Appendix 1 *Required Minimum Floor Areas and Standards* of the Apartment Guidelines refer. The applicant states that this has been achieved in all cases and this has been demonstrated in the Housing Quality Assessment (HQA) for apartments submitted with the application, that shows over 54% of units are more than 10% over the minimum standard. Having reviewed the HQA, in terms of the robustness of this assessment and in the context of the Guidelines and associated standards, I would accept the applicant's analysis that the apartments are larger than the minimum standards by 10% amount in a greater part of units provided, with none below the minimum. I am satisfied that the proposed apartments are therefore in excess of the minimum floor area standards (SPPR 3), with very few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the internal layout and floor areas of the apartments are satisfactory from a residential amenity perspective, SPPR 3 of the guidelines is met.

10.4.6. Dual Aspect Ratios – The applicant points out that 515 or 42% of units are dual aspect and that this exceeds the requirement for 33% at more central and accessible

urban locations. The planning authority do not make statements in relation to dual aspect. Given the scale and design of the apartment blocks as it has been proposed, I can see that it has been possible to provide a good level of dual aspect units and create an urban character. This has been achieved through relatively short internal corridor lengths and adequate levels of stair/lift cores, the orientation of nearly all units is acceptable. There is a small percentage of single aspect apartment units that face north. The applicant's Architectural Design Statement states that 8% or 100 out of 1,221 units will be north facing, however, I count 108 units that face north alone from the HQA submitted by the applicant. This is a small discrepancy and in any case, all north facing single aspect units either face across the planned 'Racecourse Park' or across private communal space and this is acceptable. I am satisfied that SPPR 4 of the guidelines is met.

- 10.4.7. Floor to ceiling height – the Planning Report that accompanies the application states the proposed scheme has ground floor, floor to ceiling heights of 2.7m with all upper floors at 2.4m. I note that cross section drawings also show that some ground floor ceiling heights are 2.825m and up to 3.35m and upper floors are over 2.4m. This is acceptable and in accordance with SPPR 5 of the guidelines.
- 10.4.8. Lift and stair cores – no more than 12 units are served by a lift/stair core and this is acceptable, SPPR 6 of the guidelines is met.
- 10.4.9. Internal storage space is provided for all apartments at a minimum of 3 sqm and over 10 sqm in other cases. Private amenity spaces exceed the minimum area required by the Apartment Guidelines (5 sqm for a one-bed, 7 sqm for a two-bed unit and 9 sqm for a three bed unit), for example the only studio unit is provided with a garden terrace of 8 sqm and own door access. Areas of indicative and internalised resident's amenity space are located at blocks E3, E4, G3, G4 and G5 and amount to 2,301 sqm. These amenity areas amount to 2,301 sqm, but a use for each of the spaces has not been assigned. The overall apartment design takes into account security considerations with good levels of passive surveillance and accessibility to communal areas and amenity space. Access to the communal courtyard areas at podium level is by means of stairs or lift. Given that the lift will provide access to residents and visitors only, this is acceptable and can be maintained and overseen by a management company. Other than that, most of the features that have been

provided as part of the overall scheme comply with the advice set out in sections 3 and 4 of the Apartment Guidelines.

10.4.10. Building Lifecycle Report - I note that the Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.

10.4.11. Overlooking/Privacy - The planning authority have not raised an issue in relation to the proximity of units and privacy concerns, observers have not raised issues in terms of the design of apartments. The overall layout comprises seven distinct urban quarters with apartment blocks arranged around central courtyards. Firstly, each urban quarter is set back away from the next by an average of over 22 metres, either across a street or open space. This is an adequate separation distance and in many cases the separation distance extends to over 30 metres across 'Longfield Road' and 27 metres to permitted development to the south. There are certain points where separation distances between apartment blocks are reduced to 15 or 16 metres and in one case just under 12 metres between the southern elevation of G3 and G2. In an urban context a distance of 15 or 16 metres is acceptable from a privacy perspective and in the case of this scheme the intervening spaces are pedestrian footpaths and landscaped margins, I anticipate no loss of privacy or undue overlooking.

10.4.12. The main interface of interest between the southern elevation of G3 and the northern elevation of G2 is just under 12 metres. At ground floor level residential amenity space looks south across the secondary elevation of unit G2.00.01. At first floor level blank elevations face each other, but at second and upper floor levels up to fourth floor the view from each apartment unit north/south is across to balconies, bedroom and living room windows. These outlooks are a combination of secondary and primary aspects but mean that each unit at the gable ends of G2 and G3 enjoy good quality dual aspect orientations. I am satisfied that a separation distance of just under 12 metres is acceptable in this urban block and will provide adequate levels of

privacy, especially when the result is units that provide dual aspect outlooks. I see no adverse residential amenity impacts arising from this design and I recommend no changes to these units, I am satisfied that overlooking will not be a problematic issue for future residents.

10.4.13. Given the urban setting and the opportunities for dual aspect that have been taken advantage of by the designer, I am satisfied that the proposal is acceptable and will not compromise residential amenity for future occupants.

Sunlight/Daylight Analysis – future occupants

10.4.14. Section 6.6 of the Apartment Guidelines and Section 3.2 criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. When taking into account sunlight and daylight analysis the guidelines refer to the Building Research Establishments (BRE) and BS standards/criteria for daylight, sunlight and overshadowing. The applicant has submitted a Daylight/Sunlight Report prepared by O'Connor Sutton Cronin consulting engineers, according to the report, the calculation methodology for daylight and sunlight is based on the British Research Establishments "Site Layout Planning for Daylight and Sunlight: A Good Practice Guide" by PJ Littlefair, 2011 Second Edition. The report sets out to record and analyse the following:

- The daylight levels within the living, kitchen and bedroom areas of selected apartments and houses, to give an indication of the expected daylight levels throughout the proposed development;
- The expected sunlight levels within the living, kitchen and bedrooms areas within the proposed development;
- The quality of amenity space, being provided as part of the development, in relation to sunlight;
- Any potential daylight or sunlight impact the proposed development may have on properties adjacent to the site.

10.4.15. The applicant chose to selectively test habitable rooms throughout the apartment scheme. Observers has called in to question such a methodology and their comments are critical of analysis that does not test all rooms. I note that the applicant has highlighted the rationale for selectively tested rooms for daylight (ADF)

and states as follows: In line with common industry approach, units presented at the lower levels have been selected for analysis. Units are selected at the lower levels on the basis that they will receive the lowest levels of daylight due to their location, obstruction and position within the development. Another factor in unit selection is the layout of the apartment. Room depth and location of balconies also play an important role when it comes to daylight penetration within the room. Different types of rooms across the lower levels have been analysed, prioritizing the deep plan and more obstructed rooms. Where units at the lower level achieve the compliance benchmark, it is taken that the same unit type directly above will also achieve the compliance benchmark and therefore, no further modelling is required. Figure 4 of the applicant's report illustrates an example of room selection, within block E1/E2 and figures 6-27 and their accompanying tables detail the findings of rooms tested. I find this to be an acceptable approach and methodology when dealing with a scheme of this scale.

10.4.16. The applicant's report concludes that of the vast majority rooms assessed exceed the minimum recommendations for the Average Daylight Factor and will be well daylight. Based upon the applicant's calculations, of the 3,241 rooms that comprise the development, only 70 fall short of the BRE Guidelines and BS 8206 recommendations, therefore a 97.8% compliance rate is achieved across the development. This compliance rate is based upon the use of 2% ADF benchmark but when 1.5% is applied the compliance rate would rise to 98.3%. The report also illustrates a 'worst-case' scenario and how daylight is distributed throughout the open plan room, first floor level of block G is selected, see figure 28 of the Daylight/Sunlight report.

10.4.17. According to the report, the majority of apartments not only meet but exceed the ADF target set out. The report underlines that the BRE guide states:

"The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the designer. Although it gives numerical guidelines these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design."

- 10.4.18. In this regard I also note that section 3.2 of the Building Height Guidelines allows for flexibility in the application of technical guidance if compensatory design solutions are clearly identified and set out. The applicant states that the kitchen areas will probably only be used for food preparation and that prolonged sitting will take place in the living room area, this together with good outdoor spaces and high quality urban design ensures the best available daylight rates. In terms of building design, the materials selected promote brightness and light and the glazing to wall ratio is to ensure maximum daylight.
- 10.4.19. In the preceding sections I have summarised the applicant's approach to assessment of the site in terms of daylight factors. The applicant has utilised the advisory technical guidance such as the BRE documents and this is useful to help determine the impacts of new developments, for future residents. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). Both documents are referenced in the current Fingal Development Plan (DMS30) and section 4G paragraph 5.12.3 of the Baldoyle-Stapolin Local Area Plan 2013 (extended to May 2023), in addition to reference to same in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018 and Apartment Guidelines 2020. Whilst I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines, Apartment Guidelines and the Fingal Development Plan.
- 10.4.20. The BRE/BS documents are an aid to assist with the evaluation of the daylighting and sunlighting of new developments. In the context of the proposed development and apartments in particular, daylighting is usually assessed by calculating the average daylight factor (ADF), a measure of the amount of daylight in proposed rooms, and it is this test that the applicant's assessment relies on for the proposed apartments. Recommended ADFs (as noted in the BRE/BS guidance documents) are noted as 1% for bedrooms, 1.5% for living/dining rooms and 2% for

kitchens, and where the rooms are combined e.g., dining-kitchen room the higher value should be applied. As already noted, the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' describe recommended values to measure daylight, sunlight and overshadowing impact, however it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines state in paragraph 1.6 that:

“Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.”

10.4.21. Where daylight, as measured by the %ADF is below the target provided for in the technical guidance, the guidance allows for changes to the design (providing extra windows, roof lights or light pipes, or changing room layout) to meet the guidelines, and it is further noted that amenity features such as balconies which may reduce ADF should still be facilitated and their impact on ADF noted. I note that the Building Height Guidelines, similar to the approach taken in the BRE/BS documents, also state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this can be acceptable, but that where the requirements are not met it must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and justification for the proposal in this regard must also be set out. I am satisfied that the applicant has done this, and this is considered in my assessment below.

10.4.22. Finally, I note the evolving nature of technical guidance in relation to sunlight/daylight analysis from publications such as: UK code of practice for daylighting BS 8206-2:2008, Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and now a British Standard EN 17037:2018 published May 2019 that deals exclusively with the design for and provision of daylight within commercial buildings and residential dwellings. Ultimately, I point out that such technical advice provides the basis for design choices and the inclusion of compensatory design solutions. Such choices and opportunities to justify a design approach are also allowed for by section 28 guidance, such as the Building Height Guidelines.

10.4.23. In respect of new dwellings, the standards and guidelines recommend that for the main living spaces/living rooms a minimum average daylight factor of 1.5% is achieved, for bedrooms 1% and kitchens 2% (including 2% for shared kitchen/living spaces). The BS and BRE guidance allow for flexibility with regard to targets and do not dictate a mandatory requirement. The applicant points out that targeting a minimum ADF of 2% in open space kitchen/living rooms, results in challenges and difficulty meeting other objectives contained in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020), such as:

- Amenity spaces: the guidance set out in the Sustainable Urban Housing: Design Standards for New Apartment document states that private amenity spaces shall be provided in the form of balconies at the upper levels. It is also stated that balconies are preferably accessed from living rooms. In order to achieve the 2% in living/ kitchen spaces balcony spaces would need to be removed at the lower floors.
- Floor to ceiling height: in order to achieve an ADF of 2%, the floor to ceiling heights would have to be increased on all levels which would have a planning height impact.
- Solar gains: with the removal of the balconies, increased floor to ceiling height and extensive glazing area there is a risk of overheating within the apartments.

10.4.24. Based on a typical approach and common industry practice the applicant's Assessment has used the 2% ADF for living/dining room in addition to minimum values of 1.0% for bedrooms and 1.5% for the Living room spaces and I agree with this approach. It is noteworthy that the compliance rates are high for both scenarios, this demonstrates a good levels of residential amenity in terms of daylight for future occupants.

10.4.25. The overall design of the apartments includes a kitchen area within living rooms. The report sets out a two-pronged approach to meeting compliance with BRE/BS guidelines. On one hand the applicant has selected the ADF assessment and target value of 2% for all the main living rooms because they contain a kitchen and this has resulted in 97.8% compliance rate. In addition, the applicant has applied the 1.5% value for ADF and this increases compliance to 98.3%. In both scenarios

the level of compliance is very high. As a result, nearly all of the habitable rooms across the floors tested achieve good results, above the minimum target. Some living room/kitchens scored levels of below 1.5% and this is related to room design, with kitchen areas located well back and behind walls in some cases, an extreme case would be room reference T, Block G2 first floor level (unit G2.01.09), illustrated by figure 19 and described by table 15. As a point of interest, I note that the apartment unit (G2.00.15) immediately below G2.01.09, has a different configuration, with a shallower floor plan but scores slightly better (ADF 1.1), room reference S, figure 18 and table 14 of the applicant's report.

10.4.26. In assessing ADFs within the apartments it is noted that not all apartment rooms were assessed. I am satisfied that this is the norm/accepted practice within the industry. In principle, I accept that that the ADF values improve with the higher the floor level due to increased access to the sky. Of the 70 kitchen/living rooms that fell below 2%, most only failed to reach the relevant value by a small amount. There were few kitchen/living rooms that struggled to reach or significantly surpass 1%. These units are located on lower floors and have quite deep and narrow plans, but each have an east or west orientation with good sized balconies. In addition, when combined with selected building materials to reflect light, large glazing areas with good orientation and outlook, I am satisfied that the compensatory design solutions advanced by the applicant are clearly described and adequate. In this context, I remind the Board that section 1.6 of the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' allows for flexibility in design as natural lighting is just one factor in overall building design and layout. I am therefore satisfied that the compensatory design measures proposed by the applicant (specially selected building materials to increase surface reflectance values, large glazed areas, importance of decent balcony space and orientation) more than compensates for the small number of units (2% of apartments tested) that score below the guideline standard outlined for a kitchen (ADF 2%).

10.4.27. With that in mind, I am also guided by section 3.2 of the Building Height Guidelines, and I am satisfied that good compensatory design solutions have been proposed and clearly identified by the applicant in the drawings submitted with the application. These compensatory design solutions include: selected building materials to increase surface reflectance values, glazing to wall ratio, importance of

decent balcony space and orientation; and so the penetration of light is satisfactory. In addition, the applicant states that the kitchen areas are for preparing food and that sitting and dining areas are located closer to where light will penetrate sufficiently. In terms of meeting the objectives of good urban design the location and positioning of apartments ensures enlivened streets with good degrees of passive supervision and this is all clearly set out in the Architect's Design Statement. In my view the applicant has achieved tailored design choices that clearly show a balance between site specific constraints and the desirability of achieving wider planning objectives such as securing an effective urban design and streetscape solution. I see no advantage in omitting such a small number of units that do not meet the recommended % ADF target, when it is generally accepted as not being 100% achievable within apartment schemes, in particular for combined living room/kitchen areas. The Guidelines allow flexibility for this reason. I would also note that such omissions would significantly adjust the architectural design of the apartment blocks that have been directly conceived in response to achieving better urban design outcomes and undo careful compensatory design solutions such as large glazed sections, balcony areas and principal room orientation.

10.4.28. In terms of sunlight to amenity areas within the development I note that the majority of areas receive the requisite 2 hours of sunshine on March 21st with none receiving less, this is acceptable, figure 29 and table 26 refer.

10.4.29. The report states that order to determine the amount of sunlight that is received by windows within the proposed development, the Annual Probable Sunlight Hours (APSH) calculation method as outlined in BRE Guidelines has been used. Section 3.1 of the BRE guidelines outline the factors to consider when designing new development. The results from the analysis prepared by the applicant show that for the annual period, 57% of the analysed windows achieve the recommended APSH values stated in the BRE Guidelines (25%), while 68% of windows achieve the recommended values during the winter months, when sunlight is more valuable. When a relaxed benchmark of 20% and 15% is applied, 64% and 77% of the analysed windows achieve this alternative value, according to the applicant this shows that acceptable levels of sunlight will be achieved across the development. The shortfall in compliance can be attributed to the projection of balconies and to the north facing windows. I note that there is an inherent flexibility in

the BRE/BS guidelines and that it is better to provide good a balcony space and urban design outcomes to balance access to direct sunlight and this is acceptable in this instance.

Existing Residential Amenity

10.4.30. The proposed development site has no recent planning application history, however, it is noted that part of a permission to the south is currently under construction and an amending SHD application on that site was recently granted permission. At present there is no existing residential development in the immediate vicinity of the subject site. There is a recent permission for residential development that includes a variety of building heights including three to seven storey buildings (and a 15 storey element at the railway station), across a proposed street to the south, ABP-310418-21 refers. That developemtn was designed in the context of the subject site in order to complement what was to come. In that context I note that as a continuance of the urban quarter characteristic of this emerging area, the proposed development sits across a street and a margin of linear open space from already permitted development. The separation distances involved stretch to between 25 and over 30 metres. This is an ample separation distance to ensure no loss of privacy and create a context that promotes good levels of passive supervision, as one would expect in this type of urban environment. I do not anticipate poor levels of residential amenity for any future residents and none for existing residents.

10.4.31. I note that a number of observers have raised concerns that neighbouring development was not taken into account in terms of residential amenity impact and nor was proposed development. The applicant has prepared a daylight/sunlight analysis that includes an overshadowing study, section 9 of their report refers. I am satisfied that all sensitive receptors, either existing or planned have been assessed and in this context, I note that the closest existing residential development lies over 200 metres due south and over 100 metres to west. I am of the view that the impact perceived by the proposed development will be mostly imperceptible to existing residents because the separation distances are just too great. In terms of residential amenity and daylight for future residents as part of planned development to the south, an EIAR and Daylight/Sunlight Assessment was prepared for that site, ABP-310418-21 refers. Given the coordinated approach to the adjacent and current site, I

anticipate no adverse residential amenity issues for existing residents from the proposed development.

Sunlight/Daylight and Overshadowing – Impact for neighbouring residents

10.4.32. To assess the impact on sunlight/daylight/overshadowing on neighbouring property the applicant has prepared a Daylight and Sunlight Assessment, with an overshadowing analysis. BRE guidance suggest that an impact would be felt if a new development is positioned too close to existing development (25° line criteria), section 3.2 of the BRE guidelines refer. The applicant's report assesses the impact from the development on neighbouring residences and applies the 25° line criteria to see if further analysis is required. In most cases further analysis was not required because the separation distances were too great for the 25° line to be subtended.

10.4.33. The applicant has identified neighbouring sensitive receptors as they relate to permitted development. This is logical as no actual residential development exists adjacent to the site now. The sensitive receptors are as follows:

- Ref. 1 Clongriffin Development in Dublin City area, (DCC Refs.: 2903/16, 3776/15, 2478/17, 4266/16, 2610/16, 3117/16, 4101/16 and 2569/17)
- Ref. 2 Growth Area 2 (FCC Reg. Ref. F11A/0290 (/E1), PL06F.239732 – GA2)
- Ref. 3 Shoreline GA01 – ABP-310418-21

10.4.34. I agree that it is logical to consider these three reference areas for analysis in the context of the 25° line criteria, in the first instance. As can be seen from figure 36 of the applicant's report, reference area 2 and 3 were the two areas where impact would be perceived with reference to the 25° line criteria. Any planned development envisaged in the LAP to the west of Growth Area 02 would fall inside the 25° line perimeter and this area has been selected for VSC analysis. A daylight and sunlight EIAR chapter was carried out for the proposed development to the south where the impact of GA03 was taken into account within the calculations and no adverse impacts were found.

10.4.35. Reference area 2 using design parameters of the LAP and permitted development under PA reference F11A/0290/E1 was selected for further analysis in terms of Vertical Sky Component (VSC), figure 38 of the Sunlight/Daylight report

refers. The analysis shows that this location will receive VSC values below 27% in most cases, with the design parameters of the LAP. However, with the proposed development in place VSC values fall to between 19 and 23% with window reference points 1 and 2 falling 10% short of the BRE Guidelines VSC > 80% of its former value. This is not a surprising result given that window locations 1 and 2 are on the ground floor and at the closest point between planned buildings. Given the urban form of development, I am satisfied that the results of the analysis that shows an imperceptible impact will be perceived by the South block within sensitive receptor reference 2 when compared to the Baldoyle-Stapolin LAP. The North block will perceive a non-significant impact.

10.4.36. The applicant also considers the Annual Probable Sunlight Hours (APSH) to assess impacts for neighbouring residential units, section 9.5 of the Sunlight/Daylight report refers. Similar conditions apply with respect to APSH as VSC and so only reference area 2 was selected for assessment and I agree with this approach. For each window location selected, results were favourable in all respects and the analysis concludes an imperceptible impact will be perceived by sensitive receptor ref. 2 when compared to the Baldoyle-Stapolin LAP.

10.4.37. In terms of overshadowing, section 9.4 sets out the recommendations of the BRE Guidelines, March 21st has been used to create overshadowing images. In addition, overshadowing images for June and December 21st have also been created to give an indication of the sunlight levels that will be received during the summer and winter months. Figures 39-52 illustrate the overshadowing impact from the development and I can see that the scale of development, orientation and the degree of separation distances involved all result in favourable overshadowing outcomes. There is no one area that suffers from adverse levels of overshadowing, both in terms of existing and planned development.

10.4.38. The report also assesses the level of sunlight to public open spaces and shows that good levels of sunlight will be achieved across all communal open spaces during the whole year. The report notes that January, November and December show some open spaces which do not achieve the 2 hours of sunlight on at least 50% of the area, this is normal due to the lower position of the sun during the winter months. It should be noted that BRE Guidelines set out recommendations for March 21st since this day gives an average level of shadowing for the year, and the

proposed development complies. I note the findings made by the applicant with reference to sunlight and public open spaces and agree with their conclusions, the public open spaces are acceptable from a sunlight perspective and would enhance amenities for local residents.

10.4.39. Existing Residential Amenity – Overall Conclusion – the applicant has prepared a large amount of material to support the proposed development. I note that observers do not object to the scheme in principle but highlight that it is the impact from the overall design of development that will be unacceptable to them. There will be no adverse residential amenity impacts to existing residents that neighbour the development site and this has been demonstrated by the applicant's sunlight/daylight report and other supporting material. Development has always been envisaged for the subject site; the LAP has shown this. The applicant has proposed a design and layout that adapts on what the statutory plan (LAP) has in store for the site and what recent planning guidelines seek in terms of residential development. I find that here will be no adverse impacts in terms of overlooking and loss of privacy and this is due to the separation distances involved and the urban context of the site. Neither does overbearing impact become a concern because along the site's southern and eastern boundary development has been designed to mirror on what is planned across the street. Contextual elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without amendment.

10.5. **Layout and Design**

10.5.1. The proposed site is located in what is known as GA03 (Growth Area 03) of the Baldoyle-Stapolin LAP, a development area that lies to the north of GA01, west of GA02 and to the south of a planned regional park, 'Racecourse Park'. According to the LAP these three growth areas have been identified to facilitate the orderly progression of development and to ensure delivery of key objectives. Permission has already been granted for 882 residential units that includes a new urban quarter and tall buildings up to 15 storeys. The proposed development seeks to extend an already permitted and altered scheme that includes a new village centre to the south and provide an urban edge to a planned regional park, the 'Racecourse Park'. Details of this new regional park are illustrated with an application to the Board under ABP-311315-21, a decision is yet to issue. There are significant areas of public open

space already in existence in the area and a new public park is permitted west of the site and known as 'The Haggard'. The 'award winning' Father Tom Collins Park is located to the west of the site.

- 10.5.2. The planning authority note the proposed development logically extends permitted development to the south more or less in line with the LAP indicative layouts. However, the planning authority are concerned that a key access or view through to the planned 'Racecourse Park' would have been more successful if block G2 were repositioned to allow for a vista to the parklands. The planning authority also have concerns about the proximity of block E1 to the railway and that active frontages have not been provided to all blocks. Observers welcome the delivery of housing but see the current proposal as a significant increase over what has been planned for in the LAP, with height and density being the primary areas of concern.
- 10.5.3. Firstly, I note how the proposed development provides a logical extension of permitted development to the south. The Architectural Design Statement that accompanies the application states that a transition from the more urban character of the proposed Stapolin Square in GA01 to the open parkland setting of the future Racecourse Park has been achieved. In terms of street layout, streetscape and buildings have been arranged to enhance the sense of connection to the park. The primary 'green artery' of Longfield Road provides a clear, legible orientation towards the future Racecourse Park. All of these descriptive sentiments articulate the outcome of an iterative design process, also described in the 'alternatives' section of the EIAR. I am satisfied that overall layout and building block designs have been well considered and cognisant of achieving sustainable residential densities whilst at the same time resulting in good urban design and attractive buildings.
- 10.5.4. I note the planning authority's concerns about block modulation and the elevational presentation to the planned Racecourse Park, however, I am satisfied that open finger like design opens up to the future park allows for a sense of allowing the park to penetrate the inner courtyards of blocks G1, G2, G3, G4 and G5. I also note the suggestion by the planning authority that a more direct vista should open up from the 'community park' at the centre of the proposed scheme. An amendment to the position of block G2 is suggested. However, I am satisfied that an offset and funnelled linear open space between blocks G1 and G2 presents a more refined and interesting glimpse of the planned 'Racecourse Park' beyond to appear. In my mind

the device of presenting a street elevation to the community park at the centre of the proposed scheme is more advantageous for immediate residents rather than a grand vista to the park beyond. I am satisfied that a good degree of urban enclosure is achieved by the layout proposed by the applicant and I see no advantage in seeking amendments to layout and design, when I satisfied that they are successful in the first instance.

10.5.5. The planning authority have raised the question of active frontages to some blocks and have pinpointed areas where improvements could be made to ensure greater levels of passive supervision of public open spaces, the western elevation of block G1 is highlighted. Though active frontages are important to help public open spaces stay safe, passive supervision from living room windows also plays its part. In this respect I note that ground floor windows and balconies (as well as all the upper floors) face west across the linear open space to the west of block G1. I agree that own door apartments would be desirable at this location, I am however satisfied, that opportunities for passive surveillance of this linear open space is adequately dealt with by the applicant's design proposal. It is also true to say that where some locations do not benefit from own access points, such as the northern elevation of G block and southern elevation of E block, there is adequate levels of passive supervision from ground floor windows (either at actual ground level or slightly more than 1.5 metres above). On a point of detail, I note that the western elevation of block E1 faces out onto a 'maintenance zone' that is blocked off from public access. On the whole I am satisfied that frontages are satisfactorily lively either from living room windows, balconies, residential amenity rooms, café and own access points and this is illustrated by the plans submitted by the applicant, crystallised in the active frontage diagram on page 28 of the Architectural Design Statement.

10.5.6. The layout provides for high density and taller buildings facing a new public park and close to the train station, and this is logical. The design of the apartments is contemporary in character and building finishes have been carefully selected to be attractive and robust in the long term. I am satisfied that the overall heights proposed close the railway station and the position of Block G3 and its 15 storey height at the threshold of the proposed scheme with the planned 'Racecourse Park' is appropriate from an urban design perspective.

- 10.5.7. I find the layout and dimensions of the Community Park at the heart of the scheme to be generous and the benefit of outlook from the apartments around it will be beneficial to residents. The Wind and Microclimate Modelling report prepared by the applicant shows that the centrally located community park will be a comfortable place to sit and landscaping will mitigate impacts from taller elements. I am satisfied that large public open spaces are linked by wide linear open spaces associated with streets and these will be comfortable places to stroll. Each apartment block embraces communal courtyards located at podium level, apart from block E, this is satisfactory. Access to gated inner courtyards is by means of stairs and a lift. I am satisfied that the private nature of these inner courtyards and the maintenance regime in place will ensure lifts are well maintained and kept operational.
- 10.5.8. On balance, I am satisfied that the proposed layout of streets, the connectivity of open spaces, the open spaces themselves and the design, scale and massing of apartment blocks is entirely acceptable and satisfactorily designed, I recommend no changes.

Racecourse Park

- 10.5.9. Many references are made throughout the applicant's, planning authority and observers' submissions that refer to Racecourse Park. This will be a regional sized public park over a wide area and located immediately north of the subject site. At present the area of the proposed park is in a varying state, waste ground, informal walkways and paths, but for the most part inaccessible. A Local Authority development application concerning the park is currently with the Board and due for a decision by March 2022, reference number JP06F.311315 refers. The proposed development advanced by the applicant has been designed to address and complement the proposed park, the planning authority raise no significant issues about this aspect of the overall layout. The applicant's layout does not rely on the planned regional park for public open space and provides its own areas of public and communal space in an appropriate quantum, 0.6 Hectares or 9% of the site. I am satisfied that the requisite amount of high quality public and communal open spaces have been provided as part of the subject proposal and that the layout and design approach will positively address the Racecourse when and if it comes in to operation.

10.6. Traffic and Transport

- 10.6.1. The proposed development will provide for the expansion to the street, cycle and footpath network of the area. A vehicular connection will link across the railway line with Clongriffin to the west, and new streets will open up the adjacent growth area (GA02). The wider street network will expand northwards from a recently permitted SHD application (ABP-310418-21) as part of future development. Initially access to the site will be from Red Arches Road to the south, with all traffic reaching the site from the R106 (Coast Road) through Red Arches to the east. In time, once the bridge link over the railway is complete cycle/pedestrian access will be strengthened from Clongriffin and a new bus route will traverse east/west and vice versa. As with the overall objectives contained in the LAP, the site will open up to development and the further expansion of pedestrian/cyclist connections to the Racecourse Regional Park (some cycle networks already delivered with further amenity planned by Fingal County Council).
- 10.6.2. The planning authority are supportive of the street network as it is proposed, with minor amendments sought, specifically with regard to a more direct route northwards to the proposed park. Observers are not so concerned with the development layout but are unsettled by the level of car parking proposed, that they see as adding to an already disorganised car parking situation in their own streets. Observers are also critical of the existing traffic situation as it pertains to the wider road network in the area and see this development as making matters worse.
- 10.6.3. Street Layout – The proposed street layout conforms with the requirements of DMURS in terms of alignment, width and geometry, a DMURS statement submitted by the applicant confirms this. The planning authority have no concerns about this aspect of the proposal, but some alignment changes are sought to make better visual access to the proposed park to the north. However, I am satisfied that the proposed street network is a logical extension of permitted development to the south. The pedestrian/cycle has been extended to the north and visual glimpses of the park beyond will be achieved. I am satisfied that no changes to the street layout as it has been proposed are necessary from an urban design perspective.
- 10.6.4. Car and Cycle Parking – According to the Traffic Impact Assessment (TIA), the applicant proposes a total of 669 car parking spaces, table 25 of the report highlights

the distribution and use of these spaces. 2,333 cycle spaces will also be provided across long term, short term and commercial development requirements, table 29 describes bicycle provision in terms of the Fingal Development Plan and table 30 refers to the Apartment Guidelines. The planning authority note the shortfall of car parking spaces for such a development. According to their calculations the proposed development would require 1,864 car parking spaces or a minimum practical parking provision of 1,302 according to the Development Plan, they see a shortfall of 50% of the spaces needed. The planning authority require greater clarity in relation to car parking spaces needed for visitors and see that the car parking and set down provided for the crèche is below what is required. Observers are also critical about the proposed car parking provision and see that a shortfall would lead to overspill parking along their streets.

10.6.5. The applicant acknowledges that the amount of car parking spaces (a ratio of 0.54 spaces per unit) provided would be less than that advised by the Development Plan, in response to this a Material Contravention Statement has been prepared in order to allow the Board to consider granting permission. The TIA states that the proposed car parking provision ratio of 0.54 spaces per unit for all apartments in the development is appropriate to the context of the site, in particular given its proximity to high quality and high frequency public transport services. A reduced car parking provision will also serve to promote and maintain a lower rate of private car use among apartment residents, supporting planning objectives of encouraging a shift to more sustainable modes of transport. There will also be residential car-sharing parking to facilitate car use without the need for individual car ownership, ten spaces are attributed to this use. The TIA cites planned improvements to the rail network, bus service improvements and cycle/footpath improvements as all factors that can reduce car parking provision in line with the objectives of the Sustainable Urban Housing: Design Standards for New Apartments. In terms of car parking to support non-residential uses, the applicant states that there will be no provision for the proposed café/restaurant. The applicant also states that the omission of visitor parking is intended as a demand control measure and is consistent with the overall goal of deterring unnecessary private car trips to and from the development. Though there is potential for undisciplined informal parking along the development's internal road network, physical design features such as kerb buildouts to prevent such

informal parking, as well as double yellow line road markings where necessary will be incorporated.

10.6.6. I note the material contravention statement prepared by the applicant in relation to car parking. In this respect I consider that the proposed development falls short of what is required by the Development Plan for a scheme of the scale proposed. However, I am also conscious of how planning policy has changed with respect to car parking and apartment development at highly accessible locations. The site is very well served with existing and planned public transport infrastructure, after all the site is located adjacent to a DART rail station and this is precisely where the higher residential densities should be proposed. It would be very wasteful to adhere to Development Plan standard car parking spaces so close to where a large population can access transport on foot. Incidentally, on the day of my site visit I noted the closure of the large park and ride garage on the western side of Clongriffin DART Station. Irrespective the apartment guidelines state:

“In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such [as] rail and bus stations located in close proximity.”

“These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.”

10.6.7. This is such a location and I see no advantage to the provision of Development Plan standard spaces when other more suitable and accessible forms of transport are on the doorstep. However, car parking management and a mobility management plan in general will be necessary to ensure future occupants can take full advantage of all transport options available to them. In this respect I note that the applicant has outlined a residential car-share club and car parking management strategy will be

developed and this should be completed and agreed with the planning authority before development commences. Though the level of car parking falls way below that required by the Development Plan, the site is highly accessible and in an area where a reduced level of car parking can be considered. At the centre of the site near to the railway station, where apartments are proposed and where household composition will be smaller, a reduced level of car parking is proposed and this is acceptable.

10.6.8. Junctions Modelled – Some observers have cited the incidence of traffic congestion in the wider road network and fear that the proposed development will make matters worse. The applicant's traffic modelling is criticised by some observers. I note that the TIA concludes that the existing junctions modelled closest to the development site (Grange Road and Coast Road) currently operate within their effective capacities on all approaches and will continue to operate within ultimate capacity when the development is completed in 2023; in 2028, 5 years after opening; and in 2038, 15 years after development completion. These are the two most pertinent junctions to consider as they provide vehicular access to the site for private motor vehicles and service vehicles. Public service vehicles (buses, taxis, emergency services) will be permitted to use the link over the railway once complete and this will provide access to the wider street network to the west. The TIA has also considered committed and amended future development, sections 4.6 and 4.7 refer, and included in the design year sensitivity assessment where junctions 1 and 2 remain within their ultimate design capacities. In addition, the applicant has addressed operational assessment of three nearby junctions as follows:

- J1. Longfield Road / Grange Road / Grange Rise (existing 4-arm signal-controlled junction)
- J2. Coast Road / Red Arches Road (existing 3-arm priority-controlled roundabout)
- J9. Hole in the Wall Road / R138 / R809 (4-arm priority-controlled roundabout)

The TIA takes on board comments made by the planning authority, prior to the lodgement of the application, section 8.2 of the TIA refers. The planning authority raise no issues with the traffic modelling as prepared by the applicant.

10.6.9. I am satisfied that an appropriate level of modelling has been provided to rationalise the proposed quantum of development and its likely traffic impacts. It should be reflected that development of these lands was always planned for and the street network formed part of the mapped objectives for the overall area. It should also be noted that the quantum of car parking provided has been significantly reduced and reliance on more sustainable modes of transport will further reduce private car borne journeys. This is an urban site, plugging into streets and junctions that have been designed to accommodate development that has been planned for. I am satisfied that the existing road network can accommodate the quantum of development proposed.

10.6.10. Taking in Charge – The applicant states that all surface-level roadways within the development will be taken in charge by the Local Authority. However, footpaths and on-street car parking spaces within the development shall not be taken in charge and shall remain under the control of the Management Company responsible for upkeep of the development's public areas. The planning authority note this intention and require the addition of a suitable condition with regards to taking in charge.

10.6.11. Rail Infrastructure – The proposed development site is located adjacent to the Belfast-Dublin rail line and drawings indicate a 'maintenance zone' and indicative the position of a future railway expansion wall along the western side of block E1. The TIA highlights the beneficial location of the site, the provision of existing commuter rail services and planned improvements to service and infrastructure. Observers have noted that existing DART services can be oversubscribed and that the additional population will put a strain on the existing service provision. The applicant points out that there are plans to increase capacity of DART rail services from about 10,500 passengers in the morning peak hour to approximately 15,000 passengers by 2035. The NTA have highlighted that the DART+ Coastal North project will increase capacity through a variety of improvements and measures. In terms of the issues raised by observers, I am satisfied that this is the right location for increased residential density, being a site adjacent to a train station. In addition, the proposed improvements to the public realm in and around the station approaches permitted in GA01 to the south should make it more attractive for passengers to avail of a good rail service. I can see that the Dart+ Programme will further improve matters, even though plans are at an early stage in the project timeline with public stakeholder

engagement yet to begin, I see no reason why the proposal as it stands shouldn't proceed.

10.6.12. I note that in relation to the development site to the south Irish Rail made a detailed submission in relation to technical requirements adjacent to the station and rail line, no submission has been received in relation to the current application. This was because that application included a ramped access to an existing bridged over the railway line and other development immediately adjacent to the station platforms. The subject proposal lies further north along the line where a buffer zone has been included in drawings prepared by the applicant. It may be appropriate that design measures along the western elevations of Block E1 in particular include suitable design window openings to limit noise ingress. This can be addressed by an appropriate condition in the event of a grant of permission.

10.6.13. Cycle and Pedestrian Infrastructure – The proposed development includes footpath and cycle infrastructure with linkages to the surrounding area. It will provide a mix of cycle path types which will enable improved connections with the wider Dublin cycle path network including the Baldoyle to Portmarnock cycle route and public transport at Clongriffin. The cycle network in the wider area is generally good with the completion by Fingal County Council of a high-quality segregated cycle route from Baldoyle along the R106 Coast Road to Portmarnock which forms part of a longer coastal route. I am satisfied that the cycle pedestrian network is appropriately design and will provide a high level of attractive public realm and safe sustainable travel options in the immediate area.

10.6.14. Aviation – The Irish Aviation Authority (IAA) did not make an observation in relation to the subject proposal but did make a submission with regards to the permitted development immediately south. The current proposal is similar in terms of height and scale. In that context despite no engagement from IAA, I recommend that liaison with DAA/Dublin Airport and the IAA's Air Navigation Service Provider to identify the impact if any (including the operation of cranes) on Dublin Airport's obstacle limitation surfaces, flight procedures and communication, navigation and surveillance equipment. In this respect I note that the site is located south of the Public Safety Zones associated with either the existing or proposed Northern Runway (under construction) at Dublin Airport. I also note that EIAR did not mention any environmental impacts in relation to Dublin Airport under the Material Assets

section of the EIAR. IAA previously and most recently recommended that an appropriate obstacle lighting scheme for permanent development should be agreed and notify the bodies mentioned above regarding crane erection and operations 30 days in advance of the commencement of works to ensure compliance with its specifications. All of these matters are relevant to the subject proposal and should be addressed by an appropriate condition.

Traffic and Transport Conclusion

10.6.15. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities, such as schools, playing pitches and new commercial/retail nodes. Current public transport options are excellent with Clongriffin DART station adjacent to the site and bus services nearby. In addition, there are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy to be submitted by the applicant.

10.7. **Infrastructure**

10.7.1. The applicant has prepared an Engineering Services Report that outlines the infrastructural requirements and proposals for the site. In addition, a Site Specific Flood Risk Assessment, Construction Management Plan, EIAR and Irish Water Statement of Design Acceptance, together with detailed drawings and specifications have all been submitted as part of the application.

10.7.2. Drainage - The Engineering Services Report submitted with the application outlines in detail the surface water management strategy (storm water infrastructure) proposed for the site. The EIAR submitted with the application sets out any environmental impacts that might arise from the proposal. In summary, the existing stormwater drainage network in the area will be removed and replaced. A wetland and corresponding upstream surface water network were granted under planning reference F16A/0412 and is currently under construction. All water from the

proposed development will discharge to this wetland before discharging to the Mayne River floodplain over a spillway/weir. The shape and orientation of the permitted wetland has been designed to maximise the quantity of treatment provided, with a length to width ratio in excess of 3:1, allowing sediments to settle along its length and complies with GDSDS technical requirements. SuDS features have been incorporated into the overall design and layout of the scheme. Observers are sceptical about water quality outcomes, as the emerge from attenuation ponds. However, the planning authority raise no issues and recommend conditions that are of a technical and standard nature. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition. Given the location of the development close to the Mayne River and the design proposals for outfall, it would be appropriate that adequate measures to control pollution/sediment and these should be utilised during construction phases and when the development is operational. In addition, works should be in line with a Construction Management Plan. Precautions should be taken to ensure there is no entry of solids, during the connection of pipe-work, or at any stage to the existing surface water system and the Mayne catchment. Mitigation detailed in Section 9.5 of the EIAR should be a condition of any permission. I am satisfied that the measures proposed by the applicant are standard and accepted practice when developing an urban project.

10.7.3. In terms of water services, I note that Irish Water have stated that there is capacity available in the networks, thus new connection(s) to the existing network to service the development are feasible. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

10.7.4. Flood Risk – The applicant has prepared a Flood Risk Assessment that states all of the site is located in Flood Zone C. The FRA states that a site specific flood model was developed and modelled a range of fluvial and tidal events, including residual risks. The results confirm that the proposed development is not at risk of inundation from the modelled flood events and further confirms that the site is in Flood Zone C. Finished floor levels has also been designed to take account of climate change. Local observers note local flood events and are uncertain that the proposed development will help things in fact matters could be made worse. The planning authority note a discrepancy in outcomes between the FRA submitted at pre-

application stage and the finalised version. The two issues of concern relate to tidal modelling and that a portion of the northern section of the site is to be filled and a haul road constructed, this will remove some on site flood storage. In terms of tidal flooding figures presented in the current FRA differ to those submitted at pre-application stage. In relation to infill and flood storage, the previous 'draft' FRA showed that the loss of 10m³ will not cause an increase in water levels outside the site.

10.7.5. I note the observations made observers and by the Council's drainage department. It would appear from the Council's observations that the FRA produced by the applicant for the current application was adapted to meet their modelling requirements but did not include any commentary about infill. I note that in the Engineering Services Report prepared by the applicant, it is stated with reference to infilling of the flood plain that the final scheme as lodged will not impact on the existing flood plain. The scheme lodged at stage 2 (SHD process) had indicated a section of the flood plain being infilled to accommodate the level change from GA03 lands to the park lands. The lodged developable area of the scheme will not enter into the flood plain and the previously allowed for compensatory storage at stage 2 lodgement is not required. In addition, the applicant states that the previously permitted haul road has been accounted for in hydraulic modelling in the FRA accompanying this application. It would appear that the infrastructural design of the proposed development has taken into account changed circumstances and the FRA reflects this. I would highlight to the Board, that it is the current FRA that is held on file that provides the basis for the assessment above and I am satisfied that the current FRA produced by the applicant is up to date and takes account of changed circumstances that may no longer affect the site.

10.8. **Other Matters**

10.8.1. Childcare Facility – I note that observers have criticised the methodology used to select the scale of the childcare facility proposed. The applicant has prepared a Schools Demand and Childcare Facilities Assessment. The proposed crèche is 452 sqm and will cater for 113 child places. The proposed scheme contains 41% studios and one bed units apartments of the overall development mix and these can be discounted in the calculation of the requirement for childcare spaces. I note that a submission has not been received from the County Childcare Committee and I am

satisfied that the applicant's calculation in relation to childcare spaces is reasoned, acceptable and in accordance with the Childcare Guidelines.

10.8.2. School Site – Observers have mentioned that the proposed development does not include a school site and reference shortfalls in primary and secondary places in the area. The Department of Education have made an observation that in order to accommodate a projected demographic need a site for a post-primary school is required. The Department requests that permission is not given until a school site is identified.

10.8.3. I note that an SHD permission was granted for over a thousand residential units, condition 2 of that permission required the omission of a block and its reservation as a school site for five years, reference number ABP-305316-19 refers. I also note that the LAP includes an objective for a national school site at the southwestern corner of the LAP lands which is bounded to the west by the rail line, to the south by Grange Road and to the north by the existing development at Myrtle. In addition, the LAP states with respect to secondary school provision, the Department have advised that adequate capacity exists within existing schools to cater for existing and future needs with potential to increase capacity at existing sites if required. Their analysis has confirmed there is no additional land requirement for secondary schools within the LAP area. However, the Department of Education now suggest that projected demographic needs mean a secondary site is now required. This is new information that did not feed into the LAP drafting process. The Department of Education have not provided any statistical analysis or projections to support their request and so I find it difficult to recommend that permission is refused on this basis. The development proposed by the applicant is mostly one bedroom apartments and so the probable demand from these units is likely to be low in terms of secondary school places. The applicant has prepared an examination of the future demand and provision of primary and secondary school places in the wider area (5km radius) and this concludes that the proposed development does not generate the need for additional schools over and above that already provided in the area. Based on the findings of the applicant's Schools Demand and Childcare Facilities Assessment I am satisfied that that there is no requirement on the applicant to provide a school site on the subject lands and permission should not be refused on that basis.

- 10.8.4. Archaeology – The site is large and comprises a combination of waste ground, construction activity (haul roads) and remnant agricultural land. I note the submission made by the DAU and the Council’s Heritage Office with regard to the archaeological potential of the site and their recommendation that an appropriate condition be attached to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest. I concur and recommend the attachment of a satisfactory condition.
- 10.8.5. Legal – some observers have raised very technical and legal criticisms to do with the material contravention procedure, Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). I do not intend to counter the legal arguments presented in terms of law. Instead, I am entirely satisfied that throughout my assessment in relation to the statutory plan and the mechanism for a material contravention, EIA and AA; that all these matters are adequately dealt with and in accordance with the relevant legislation as it stands. Further, I am satisfied that there is no legal impediment to the Board reaching a decision on this Strategic Housing Development application safely within the legal parameters as they are currently set out and known.
- 10.8.6. The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities – The new guidelines are brief and concern the regulation of commercial institutional investment in certain housing developments. The purpose of the guidelines is to set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing. The proposed development has not been advertised as ‘build-to-rent’, it is a large scale apartment scheme but includes own-door duplex units and the guidelines may be applicable in this regard. The Regulation of Commercial Institutional Investment in Housing Guidelines, enables planning authorities and An Bord Pleanála to attach planning conditions that require a legal agreement controlling the occupation of units to individual purchasers, i.e. those not being a corporate

entity, and, those eligible for the occupation of social and/or affordable housing, including cost rental housing. In the context of the current planning application that comprises a mixture of apartment units and duplex units it may be appropriate to attach the relevant condition advised by the recently published guidelines. The condition if attached, should only apply to duplex units and this should be stated in the wording of same.

10.8.7. Social and Affordable Housing – The applicant has submitted proposals for transfer of 10% of the proposed units to the planning authority, 122 units. The applicant's Part V proposals include:

- 51 - 1 Bedroom Apartments
- 58 - 2 Bedroom Apartments
- 13 - 3 Bedroom Apartments

10.8.8. Units are distributed in three blocks throughout the scheme. The standard Part V requirement of 10% was applicable at the time that the application was lodged. I note that the recent Review of Part V of the Planning and Development Act published by the Department of Housing, Local Government and Heritage, examined the implications for overall housing supply, of increasing the 10% social housing requirement, that had applied since September 2015 to all new housing developments, to 20% (or above). I anticipate that full compliance with any changes to Part V of the PDA 2000 can be addressed by a suitable condition that requires further agreement between developer and planning authority.

11.0 Environmental Impact Assessment

11.1. Environmental Impact Assessment Report

11.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and should be read in conjunction with the planning assessment above. The development provides for 1,221 residential units, a childcare facility and a restaurant/cafe on a site area of 6.89 ha. The site is located within the area of Fingal County Council. A number of the topics and issues raised by observers that concern environmentally related matters have already been addressed in the planning

assessment above, however, where relevant I have cross-referenced between sections to avoid unnecessary repetition.

11.1.2. 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.

11.1.3. The current proposal is an urban development project that would be in the built-up area of a city but not in a business district. It is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and within the scale of development (more than 500 units) to require an environmental impact assessment and so an EIAR has been submitted with this application.

11.1.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices. A summary of the mitigation measures described throughout the EIAR has been prepared and is presented by table 22.1 in Chapter 22 Schedule of Environmental Commitments. Table 1.3 and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.

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

11.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development

Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that there are some concerns from observers regarding the EIAR, for instance project splitting is highlighted, wastewater capacity issues are not addressed, and some observers have raised issues concerning the sheer quantity of paperwork submitted. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

11.2. Vulnerability of Project to Major Accidents and/or Disaster

- 11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR addresses this issue under section 2.3.3 EIA Scoping of the EIAR, given the nature of the receiving environment and the proposed Project, it is considered by the applicant that there is no source-pathway-receptor linkage of a hazard which could trigger what would constitute major accidents and disasters. There are no Seveso Sites within close proximity or within statutory consultation distances of the Project Site. The nearest Seveso Site is Exolum Aviation Ireland Ltd at Dublin Airport, a 6 km linear distance from the proposed Project. The statutory consultation distance for this Site is 400 m. There are also a cluster of Seveso Sites at Dublin Port and Ringsend (7 – 8 km linear distance), but none of these are within consultation distance of the proposed Project. The proposed Project is not likely to be affected by an accident at any Seveso Site in the wider area; and vice versa, nor is any Seveso Site likely to be affected by the proposed Project itself.
- 11.2.2. The vulnerability of the proposed Project to major accidents and / or disasters is not considered significant. The proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having

regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. Alternatives

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.3.2. Chapter 4 of volume I of the EIAR provides a description of the main levels of alternatives (do nothing, location, layout/designs, processes). If nothing were done, the housing crisis in Dublin would continue, the lands would remain private and this scenario is regarded as socially suboptimal, with opportunity cost of a loss of 1,221 proposed residential units. Considering that the lands in question are zoned for the proposed use, and the fact that the environmental sensitivities of the Site are not such as to preclude development per se, this category of alternative is not considered relevant. The variety of different layouts are illustrated, showing 2D layouts and massing diagrams. Three design alternatives are presented and the third design proposal is selected as the optimal layout. There are no alternative processes, having regard to the nature of the proposed Project as a SHD, for which the planning application is being submitted to An Bord Pleanála, this is not considered a relevant class of alternatives in this case.

11.3.3. The permissible uses on the site are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to

variations in height, layout and building design. In the prevailing circumstances the overall approach of the applicant was reasonable, and the requirements of the directive in this regard have been met.

11.4. Consultations

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

11.5. Likely Significant Direct and Indirect Effects

11.5.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.6. Population and human health

11.6.1. Population and Human Health is addressed in Chapter 7 of the EIAR. The methodology for assessment is described as well as the receiving environment. The assessment considers attributes and characteristics associated with population, community and residential settlement, economic activities and employment, community infrastructure and tourism and recreation. Recent economic and demographic trends are examined. The principal findings are that human population and job opportunities will increase as a result of the proposal but also as Covid-19 restrictions ease, vaccine rollout increases and people return to work. In terms of human health, the most likely impact will be the construction phase of the development and observers have concerns around construction phase traffic. However, given the control of activity on site by the developer, these can be avoided through the use of management measures as set out in the EIAR and in the outline

construction management plan submitted with the application, it outlines how the proposed works will be delivered safely and in a manner which minimises risk to human health, including that of Site personnel. The imposition of limits by conditions on any grant of permission will reinforce preservation of public health. Subject to these measures the main significant direct and indirect effects of the proposed development on the environment are addressed, it is concluded that the proposed development would not be likely to have significant adverse effects on human health.

- 11.6.2. Other aspects of the development such as soil and land, water, air quality, noise/vibration, transportation and waste may lead to effects on the local population. In terms of noise/vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built-up area of the emerging city. Emissions from a very small amount of commercial development that comprises a restaurant/café in Block E3 at the centre of the development can be controlled by condition as appropriate. The impact of additional traffic on the noise levels and character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the very marginal increase that would occur as a result of the proposed development. This is demonstrated by the Traffic and Transportation Assessment and Mobility Management Plan devised for the scheme that encourages the use of more sustainable forms of transport such as walking and cycling.
- 11.6.3. Observers have raised issues about the lack of school places. However, the increased population, provision of new open spaces and the demand for such facilities may lead to a further increase in provision. A submission from the Department of Education confirms that they are actively seeking a post-primary site on the LAP lands. In addition, liaison between the planning authority and the Department of Education continually assesses the demand for school places. The provision of additional community infrastructure would further increase the positive effects of new facilities in the area for existing and new residents. I address the issue of schools and education under other matters in the main section of my report. New services such as meeting rooms, cafes/restaurants give the potential for more people to come together, and this will further contribute to building the sense of place and community. However, pending the planning and delivery of these facilities in the

future I am satisfied that the proposed development could proceed in their absence and that this would not result in a significant adverse impact.

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

11.7. Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

11.7.1. Chapter 8 of the EIAR addresses biodiversity. The biodiversity chapter details the survey methodology of the assessment and fieldwork dates provided in table 8.1. It is noted that an Appropriate Assessment Screening Report and Natura Impact Statement were prepared as a standalone document. As assessed in section 13 of my report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

11.7.2. A desk study was undertaken and included review of available ecological data. Ecological surveys were undertaken at the site, field surveys were carried out on numerous occasions between December 2019 and September 2020. A Bat Survey was carried out on the 11 September 2020 and wintering bird surveys were carried out on eight occasions between 18 September 2019 and 24 March 2020. The vast majority of the Site of the proposed Project consists of Bare Ground and Recolonising Bare Ground. The Bare Ground primarily consisted of haul roads and active construction activities involving soil movements. The site was originally an agricultural field, however site clearance commenced after 2005 and by 2009 the site had been cleared with areas of construction activity, roads and bare ground. The site does not contribute to biodiversity to any substantial extent. The proposed development would result in the loss of this habitat such as it is, but this would not have a significant effect on the environment. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. There are no high value treelines and individual mature trees. The site is relatively poor in biodiversity value and no rare or protected habitats were noted.

11.7.3. Section 8.5 of the EIAR describes measures to minimise the impact of the development on habitats and biodiversity that includes the preparation of a preliminary Construction Environmental Management Plan (CEMP), for the construction phase of development. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context. Having regard to the foregoing, including the concerns raised by the observers, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity. I am generally satisfied with regards the level of information before me in relation to biodiversity.

11.7.4. Given the present condition of the site, devoid of any great concentrations of flora or fauna, I am satisfied that the development of the site and planned amenity planting provides greater benefits in terms of human health. I draw the Boards attention to the AA section of my report (section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

11.8. **Land, Soil, Geology and Hydrogeology**

11.8.1. Chapter 9 of the EIAR deals with land, soil, geology and hydrogeology and includes the findings of initial site investigations, as follows:

- 12 No. Trial Pits to a maximum depth of 3.30m mbgl
- 2 No. Soakaways to determine a soil infiltration value to BRE digest 365
- 12 No. Dynamic Probes to determine soil strength/density characteristics
- 2 No. Cable Percussion boreholes to a maximum depth of 7.00m mbgl
- Installation of 2 No. Groundwater monitoring wells
- Geotechnical & Environmental Laboratory testing (12 No in total for environmental testing)

According to on site investigations, bedrock was not proven with the deepest borehole (BH17) at the eastern boundary of the site extending to 8.50mbgl without reaching the underlying limestone bedrock, confirming the GSI vulnerability categorisation as 'Low'. Given the characteristics of the site, soil quality was tested

and laboratory analysis did not identify any asbestos containing materials (ACMs) in any of the samples tested.

11.8.2. The construction phase of development will require the removal of the existing topsoil layer, all stripped topsoil will be reused on site (incorporated into landscaping of back gardens, public open spaces and on the podium deck). Subsoil stripping and localised stockpiling of soil will be required during construction. It is estimated that c. 31,966.6 m³ of soils will be excavated to facilitate construction of the proposed Project. It is estimated that c. 64,117.6 m³ of engineered fill material will be required to facilitate construction. The proposed development would result in the loss of more than 6.9 Hectares of un-productive waste ground, zoned for residential purposes. Given the extent of such land that would remain available in the overall region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site. It is therefore unlikely that the proposed development would have significant effects with respect to soil.

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

11.9. **Water**

11.9.1. Chapter 10 of the EIAR deals with Water (Hydrology). The site is predominantly waste ground with large areas of former construction associated activity. According to the EIAR baseline environment description the site is located within the previously defined Eastern River Basin District (ERBD), now the Ireland River Basin District, in Hydrometric Area No. 09 of the Irish River Network. It is within the River Liffey catchment and Mayne Sub-catchment (Mayne_SC_010). The Snugborough Stream lies 650m to the east and the Mayne River lies 550m to the north.

Surface Water and Flood Risk Assessment

11.9.2. The EIAR states that storm water run-off discharges through an existing 1350mm storm water culvert traversing the site along the line of Longfield Road, flowing south to north. This culvert is a diversion of a culvert which previously ran along the

western boundary of the proposed Project lands. There is an existing 1,050mm storm water culvert running from south to north along the line of Stapolin Avenue, which discharges into the Mayne River. There is an existing storm water drainage network located within the site, however due to its poor condition it is not intended to make use of the existing network and therefore it will be removed and a new network constructed in its place. It is proposed to connect the development to the new surface water network granted under F16A/0412 that will cross above the North Fringe Sewer (1,600mm diameter). The overall surface water network has been designed and modelled for the 100 year storm event.

- 11.9.3. The proposed surface water drainage network is designed with SUDS principles and measures such as constructed wetlands, rainwater harvesting, swales, bio-retention areas, green roofs and permeable paving, forms a single catchments and pass through the existing wetland and overspill a weir/spillway into the Mayne River Floodplain.
- 11.9.4. The application was accompanied by a flood risk assessment that determined the site was located in flood zone C. The proposed project was subject to Site Specific Flood Risk Assessment (SSFRA) in accordance with OPW Flood Risk Management Guidelines, and is included with the planning application. The SSFRA states that all residential properties are located in Flood Zone C and are protected from inundation up to the 0.1% AEP HEFS tidal event. The proposed infilling does not have a negative impact on flood levels downstream without mitigation.
- 11.9.5. A potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water is described in section 10.4 of the EIAR. The potential for such effects arises in projects that involve building on suburban infill sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 10.5 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

Water Supply

- 11.9.6. The water supply for the proposed development would be from a new connection from the public network which Irish Water advises is feasible. Connection is

proposed from an existing 300mm watermain east of the site, along Stapolin Avenue and part of the southern part of the site (Myrtle Avenue).

Foul drainage

11.9.7. It is proposed to drain foul effluent from the proposed development to the public foul sewer, this is outlined in section 10.4.2.2 of the EIAR. The foul water produced by the development will exit via an existing 375mm diameter foul sewer that runs in a northern direction along the eastern boundary of the site. No specific mitigation measures are proposed in relation to foul drainage. I note that some observers have raised issues in relation to the capacity of the local network to absorb the development proposed. The EIAR does not illustrate any similar findings and in this respect Irish Water have confirmed that a new connection to the existing network is feasible without upgrade.

11.9.8. It can be concluded that, subject to the implementation of the measures described in the EIAR, the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

11.9.9. I have considered all of the written submissions made in relation to water and the relevant contents of the file including the EIAR. I am satisfied with the level of information submitted, any issues of a technical nature can be addressed by condition as necessary.

11.10. Air Quality and Climate

11.10.1. Air Quality and Climate are outlined in chapter 11, noise and vibration are outlined in chapter 12 of the EIAR. Microclimatic factors such as daylight/sunlight and wind are set out in chapters 15 and 16. The proposed apartment units and open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality, noise or vibration.

11.10.2. There is a potential for dust emissions to occur during construction, but standard means are proposed to mitigate this potential as set out in chapter 22 of the EIAR. They are likely to be effective. The EIAR accounts for the construction phase of the development and recommended measures to ensure air quality is protected. During the operational phase of the development, traffic volumes are modelled and

no significant impact is envisaged. However, the development includes a small number of commercial units that may include air handling units, cafes or restaurants for example. I do not anticipate that any significant impacts would arise from these uses because standard conditions concerning noise and odour could be attached in the event of a grant of permission. It is therefore concluded that the proposed development is unlikely to have significant effects on air.

11.10.3. In terms of noise and vibration, this is most likely during the construction phase of development and the likelihood of noise and nuisance from this phase of activity. Impacts to the receiving environment during the construction phase will be mitigated by standard practices and it is not anticipated that the operational phase will result in any noise or vibration issues.

11.10.4. Variation No. 1 of the Fingal Development Plan 2017-2023 outlines revised Noise Zones and policy objectives in relation to aircraft noise from Dublin Airport. Four noise zones (Zone A to D) are now indicated representing potential site exposure to aircraft exposure. The council will actively resist residential development within Zone A, and resist in Zone B and C pending independent acoustic advice and mitigation measures. Certain specific residential developments located in Zone D may be required to demonstrate that aircraft noise intrusion has been considered in the design. The site is located in zone C and an Acoustic Design Statement has been prepared. The noise levels have been predicted across the proposed Project Site during daytime and night time periods, along the western facades where levels may be higher, a minimum sound insulation performance specification will be required for windows to ensure that, when windows are closed, the internal noise criteria are achieved. A railway line is located to the west and is subject to twenty four a day rail operations. The EIAR concludes that the residual impacts during the operational phase of development will range from imperceptible to slight.

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

11.11. Landscape and visual impact assessment

- 11.11.1. Chapter 13 outlines landscape and the visual impacts that would arise from the development. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the suburban environs of the site from an urban design and planning context in the planning assessment of my report. The EIAR states that the site has no notable landscape features, comprising a relatively flat topography with a mixture of disturbed ground, grassland and scrub. There are no trees or landscape features worthy of retention and the site makes no positive contribution to local green space or visual amenity for the surrounding neighbourhoods.
- 11.11.2. The lands are not recorded as a high value landscape but are located within an existing built up area and close to marine/costal environments that have a landscape value. Observers have highlighted strong concerns about the negative visual impact of the development, particularly when compared to Baldoyle Coastal area to the east. The EIAR highlights the construction impacts on the visual amenity of the area and positive impacts of the completed development on the urban consolidation of the city. The layout of the site and positioning of higher buildings towards the railway station to the west and to the north to address a planned regional park, together with landscaping proposals and objectives to create a new street network aim to minimise the visual impact of the development. Section 13.5.2 of the EIAR sets out in detail the various design measures used to ensure that the proposed development minimises or avoids potential adverse landscape and visual impacts upon the site and neighbouring residential areas.
- 11.11.3. The proposed development would change the site from an area of waste ground to a higher density apartment scheme with buildings of up to 15 storeys. This would significantly alter its character. The site will change from unused urban infill lands of limited visual quality to a new urban quarter with all of the improvements to public realm that would be expected. The context of the area is already undergoing change. The broad changes that would arise from the proposed development would not have a negative effect on the landscape such as it is. There will be some long range views from coastal areas back towards this emerging urban area. The taller elements will have limited visual prominence when combined with overall massing,

except from the centre of the development where they will be seen as a consolidating feature on what is otherwise an area with other buildings of similar height and this impact is seen as positive.

11.11.4. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. That is to say the position of taller elements around a new regional park and close to the railway station. I am therefore satisfied that the proposed development would have an acceptable direct, indirect and cumulative effects on the landscape and on visual impact.

11.12. Material assets (waste and site services)

11.12.1. The material assets chapters of the EIAR primarily addresses the impact of the development on the construction phase and local infrastructure, chapters 18 and 19 refer. Material assets such as traffic and transportation are dealt with in chapter 17, and these chapters analysis the local road network and public transport infrastructure.

11.12.2. Observers have raised concerns in relation to the probable increase in traffic, car parking problems and the oversubscribed existing public transport networks (bus and rail). From an environmental perspective the EIAR addresses these issues individually and I have addressed similar issues under the Traffic and Transport section of my report. The proposed development would not impact upon the operational capacity of road junctions, however, the construction phase would bring additional traffic into the area, this can be managed. Occupiers of the development would place additional demands on public transport and road infrastructure. But this should lead to increased investment in improvement and further provision. No significant impacts are anticipated.

11.12.3. In terms of waste management, the construction and operational phases have been considered, during construction a project specific C&D WMP has been prepared and for the operational phase of development a project specific OWMP has been prepared. In terms of material assets and built services, impacts are

considered in relation to water supply, foul and surface water drainage, gas and telecommunications and the electrical network. Any impacts are seen as neutral, imperceptible and long-term. Cumulative impacts have been considered, including proposed development in the vicinity of the site. The result is stated to be a long term imperceptible negative cumulative impact on areas such as local traffic. I am satisfied that while some cumulative effects may arise from the proposed development together with existing and permitted developments, these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

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

11.13. Cultural Heritage, Archaeology and Architectural Heritage

11.13.1. Chapter 14 of the EIAR describes and assesses with Archaeology, Architectural and Cultural Heritage. The proposed site area has been subject to a series of invasive and non-invasive archaeological investigations since 2000, with little or no evidence for significant finds. Notwithstanding the disturbed nature of the site and the results of the archaeological investigations in the immediately adjacent areas, there is the potential that archaeologically enriched soils, features and deposits may survive subsurface. The chance discovery of isolated (stray) finds may also occur. Ground disturbance works associated with the proposed project will have a negative, moderate, permanent impact on any such remains that survive below ground. No architectural, cultural or industrial heritage impacts were identified in relation to the site.

11.13.2. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I therefore consider that the proposed development would

have an acceptable level of direct or indirect impacts on architectural and cultural heritage.

11.14. The interaction between the above factors

11.14.1. Chapter 20 of the EIAR comprises a matrix (table 20.1) of significant interactions between each of the disciplines. All interactions between the various elements of the project were considered and assessed both individually and cumulatively within each chapter. Where necessary, mitigation was employed to ensure that no cumulative effects will arise as a result of the interaction of the various elements of the development with one another.

11.14.2. For example; the potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works and construction. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified. The various interactions were properly described in the EIAR, table 20.1 provides a summary of interactions, and have been considered in the course of this EIA.

11.15. Cumulative Impacts

11.15.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including the completion of development in the vicinity, tables 21.1 and 21.2 refer. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. The proposed development's scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is therefore concluded that the cumulation of effects from the

planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.16. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of urban waste ground to residential. Given the location of the site within the built up area of Dublin and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of most material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

11.16.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in all of the individual EIAR chapters are satisfactory, I am satisfied with the information provided to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

12.0 **Appropriate Assessment**

12.1. Introduction

12.1.1. This section of my report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Natura Impact Statement (NIS) and Appropriate Assessment Screening prepared by Altemar Marine and Environmental Consultancy, dated July 2021 and submitted with the application. I have had regard to the submissions of observers in relation to the potential impacts on Natura 2000 sites. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

12.2. The Project and Its Characteristics

12.2.1. The detailed description of the proposed development can be found in section 2.0 above.

12.3. Submissions and Observations

- 12.3.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. Observers have highlighted that taller buildings have not been considered in terms of impact to flight paths and bird strike. In addition, wider consultation should have been entered into with the likes of Inland Fisheries Ireland, Sea Fisheries Protection Authority and An Taisce. Finally, no account has been made of increased human activity and cat/dog ownership close to a designated site.
- 12.3.2. The planning application was referred to a number of statutory consultees, including the Irish Aviation Authority, Irish Water, Fingal County Council and the National Parks & Wildlife Service (NPWS) Department of Culture, Heritage and the Gaeltacht. With specific reference to appropriate assessment matters, I note that Irish Water, the Fingal County Council Bio-Diversity Officer and the NPWS all made detailed submissions. With reference to matters relating to biodiversity, ecology and Natura 2000 sites in particular, the submission received from the Council's Bio-Diversity Officer and the NPWS are very detailed and site specific. The Council's Bio-Diversity Officer is mainly concerned about the timing and delivery of Racecourse Park, this is because the park is designed as a significant buffer between urban development and Baldoyle Bay SPA/SAC and is seen as a mitigation measure. At present, amenity grassland at Red Arches Road and Seagrang Park are used as feeding grounds for Brent Geese at times of high tide and if Racecourse Park is not delivered at the same time as new housing then the pressure on this e-situ feeding grounds would be under pressure. The NPWS note that in addition to Brent Geese feeding grounds in the area, flight paths and the potential for bird strike may be an issue for the taller buildings and glazed surfaces. The NPWS recommend the implementation of the measures set out in the NIS, relevant signage, winter bird surveys, and a glazing scheme to deter bird collisions.

12.4. The European Sites Likely to be Affected (Stage I Screening)

- 12.4.1. A summary of European Sites that are considered to be within a zone of influence of the site is presented in *Identification of Relevant Natura 2000 Sites* section of the applicant's AA Screening Report. The development site is not within or directly adjacent to any Natura 2000 site. The site is located in an area surrounded by existing urban development and residential development currently under construction. The site comprises disturbed wasteland, being an area of bare ground

that has undergone re-profiling and enabling works in the past. According to the EIAR submitted with the application, the majority of the site had been cleared with areas of construction activity, roads and bare ground. At present c. 50% of the site comprises recolonised ground and c. 50% is a site compound and haul roads facilitating the construction of housing development to the south of the site.

12.4.2. I have had regard to the submitted Appropriate Assessment screening section of the applicant's report that identifies a direct source-pathway-receptor link that exists with the proposed project and previously permitted attenuation ponds which are connected to the River Mayne and to the Baldoyle Bay SAC and Baldoyle SPA. The NPWS also note this direct pathway and agree that these two sites could be directly impacted upon. The attenuation pond will be in place prior to the commencement of the proposed development and mitigation measures are necessary during the construction of the proposed project to prevent downstream impacts. In addition, the applicant's report identifies a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distances to the application site indicated:

Site code	Site name	Distance from the site
IE0004016	Baldoyle Bay SPA	700m
IE0004025	Broadmeadow Swords Estuary SPA/ Malahide Estuary SPA*	4.4km
IE0004006	North Bull Island SPA	1.8km
IE0004015	Rogerstown Estuary SPA	10km
IE0004024	South Dublin Bay and River Tolka Estuary SPA	5.5km
IE0004117	Ireland's Eye SPA	4.6km
IE0004113	Howth Head Coast SPA	6km
IE0004069	Lambay Island SPA	11.6km
IE0004172	Dalkey Islands SPA	14km
IE0000199	Baldoyle Bay SAC	400m

IE0000206	North Dublin Bay SAC	1.6km
IE0000205	Malahide Estuary SAC	3.8km
IE0000210	South Dublin Bay SAC	6.8km
IE0003000	Rockabill to Dalkey Island SAC	6km
IE0002193	Ireland's Eye SAC	4.9km
IE0000202	Howth Head SAC	4.5km
IE0000208	Rogerstown Estuary SAC	10.5km
IE0000204	Lambay Island SAC	10.9km

* Normally described as simply Malahide Estuary SPA, site code 4025.

12.4.3. In addition, the AA screening section of the document outlines through figures 3 to 4 (inclusive), the geographical spread of sites and proximity to the subject site.

12.4.4. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and other observers, and I have also visited the site.

12.4.5. I make particular reference to the Wintering Bird Survey prepared by the applicant and found in appendix 1 of the AA Screening Report NIS document, in which disturbance from the proposed works is the primary concern. It is noted that no qualifying species are present on the subject site, however, I note the points made by the NPWS and other observers in relation to ex-situ feeding grounds (not the site), interruption of flight paths and potential for bird strike.

12.4.6. I concur with the conclusions of the applicant's screening for AA, in that the only Natura 2000 sites where there is potential for likely significant effects is the Baldoyle Bay SAC (0199) and SPA (4016) as a result of a direct hydrological pathway via the existing attenuation and Mayne River. In addition, I note the issues raised by observers in relation to these two particular sites and the potential for impacts to

qualifying species from the operational phase of development and the possibility of human disturbance.

12.4.7. Significant impacts on the remaining SAC and SPA sites are considered unlikely, due to the distance, dilution factor and the lack of hydrological connectivity or any other connectivity with the application site in all cases having consideration of those site's conservation objectives. As such, 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 Sites:

- Malahide Estuary SAC
- North Dublin Bay SAC
- Rogerstown Estuary SAC
- South Dublin Bay SAC
- Rockabill to Dalkey Island SAC
- Ireland's Eye SAC
- Howth Head SAC
- Lambay Island SAC
- Broadmeadow Swords Estuary SPA/ Malahide Estuary SPA*
- North Bull Island SPA
- Rogerstown Estuary SPA
- South Dublin Bay and River Tolka Estuary SPA
- Ireland's Eye SPA
- Howth Head Coast SPA
- Lambay Island SPA
- Dalkey Islands SPA

* Normally described as simply Malahide Estuary SPA, site code 4025.

12.4.8. The qualifying interests of all Natura 2000 Sites considered are listed below:

Table of European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)*	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
<p>Baldoyle Bay SAC (0199)</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	<p>700m</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>
<p>Baldoyle Bay SPA (4016)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	<p>400m</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Dublin Bay SAC (0206)</p> <p>To maintain or restore the favourable conservation condition of habitats as listed in Special Conservation Interests.</p>	<p>1.6km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p>

		<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
<p>North Bull Island SPA (4006)</p> <p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>	1.8km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (4024)</p>	5.5km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p>

<p>To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests.</p>		<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay SAC (0210)</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.</p>	<p>6.8km</p>	<p>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>Malahide Estuary SAC (0205)</p> <p>Conservation objective: To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide.</p>	<p>3.8km</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>

<p>Malahide Estuary SPA (4025)</p> <p>To maintain the favourable conservation condition of Great Crested Grebe.</p>	<p>4.4km</p>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Rogerstown Estuary SAC (0208)</p> <p>To maintain the favourable conservation condition of Estuaries.</p>	<p>10.5km</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>

<p>Rogerstown Estuary SPA (4015)</p> <p>To maintain the favourable conservation condition of Greylag Goose.</p>	<p>10km</p>	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Howth Head SAC (0202)</p> <p>To maintain the favourable conservation condition of European dry heaths and Vegetated sea cliffs of the Atlantic and Baltic coasts.</p>	<p>4.5km</p>	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
<p>Howth Head Coast SPA (4113)</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests.</p>	<p>6km</p>	<p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p>
<p>Rockabill to Dalkey Island SAC (0300)</p>	<p>6km</p>	<p>Reefs [1170]</p>

To maintain the favourable conservation condition of Reefs and Harbour porpoise.		Phocoena phocoena (Harbour Porpoise) [1351]
Ireland's Eye SAC (2193) To maintain the favourable conservation condition of Perennial vegetation of stony banks and Vegetated sea cliffs of the Atlantic and Baltic coasts.	4.9km	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Ireland's Eye SPA (4117) To maintain or restore the favourable conservation condition of the bird species.	4.6KM	Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]
Lambay Island SAC (0204) To maintain the favourable conservation condition of Reefs, Vegetated sea cliffs of the Atlantic and Baltic coasts, Grey Seal and Harbour Seal.	10.9km	Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Halichoerus grypus (Grey Seal) [1364] Phoca vitulina (Harbour Seal) [1365]
Lambay Island SPA (4069) To maintain or restore the favourable conservation	11.6km	Fulmar (Fulmarus glacialis) [A009] Cormorant (Phalacrocorax carbo) [A017] Shag (Phalacrocorax aristotelis) [A018] Greylag Goose (Anser anser) [A043]

condition of the bird species.		Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]
Dalkey Islands SPA (4172) To maintain or restore the favourable conservation condition of the bird species.	14km	Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]

* Normally described as simply Malahide Estuary SPA, site code 4025.

12.4.9. The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration, also note Table 2 and 3 contained within the applicant's report.

12.5. Potential Effects on Designated Sites

12.5.1. The subject site itself is not suitable for regularly occurring populations of wetland or wading birds which may be associated with Natura 2000 sites listed above, as these birds are associated with coastal and intertidal habitats. While there are some species that utilise inland amenity grassland sites for feeding, there is no amenity grassland on the subject site, and therefore no habitats suitable for such species associated with the proposed development. In this respect I note the ex-situ feeding sites associated with the Light-bellied Brent Goose SCI (Species of Conservation Interest) of Baldoyle SPA, that have been identified as important by the NPWS and the Bio-Diversity Officer of Fingal County Council. The subject site does not provide ex-situ feeding grounds and this is confirmed by the applicant's wintering bird surveys and this is noted by the NPWS. However, it is not the loss of the subject site itself that has a potential impact but the effect of increased human activity on amenity grasslands that do act as ex-situ feeding grounds that is the issue. In addition, it is noted that the early provision of Racecourse Park to balance out

human impact activities is seen as important. Finally, the NPWS and observers note that the interruption of flight paths and bird strike could be an issue for the taller elements of the scheme and these matters have not been considered by the applicant.

12.5.2. The proposed development site has a direct hydrologically connection to the Baldoyle Bay SAC (0199) and SPA (4016) via an attenuation pond onwards to the Mayne River. There is also an indirect pathway from the site through the foul sewer to Dublin Bay via the Ringsend Wastewater Treatment Plant (WWTP), connecting to North Dublin Bay SAC (0206); North Bull Island SPA (4006); South Dublin Bay and Tolka Estuary SPA (4024); and South Dublin Bay SAC (0210). Other sites listed are considered to be too far removed from the site and away from direct pathways and can be discounted as follows:

- Malahide Estuary SAC
- Rogerstown Estuary SAC
- South Dublin Bay SAC
- Rockabill to Dalkey Island SAC
- Ireland's Eye SAC
- Howth Head SAC
- Lambay Island SAC
- Broadmeadow Swords Estuary SPA/ Malahide Estuary SPA
- Rogerstown Estuary SPA
- Ireland's Eye SPA
- Howth Head Coast SPA
- Lambay Island SPA
- Dalkey Islands SPA

12.5.3. The specific conservation objectives and qualifying interests of the potentially effected SAC sites relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There are no objectives in relation to water quality. The specific conservation objectives for the bird species

highlighted for the potentially effected SPA sites relate to maintaining a population trend that is stable or increasing, and maintaining the current distribution in time and space.

- 12.5.4. The proposed drainage strategy is compliant with the Greater Dublin Strategic Drainage Study (SuDS). In this instance the SuDS measures to be incorporated are not included to avoid or reduce an effect to a Natura 2000 Site, and therefore they should not be considered mitigation measures in an AA context. However, the applicant makes the point that surface water runoff will comply with SuDS and will discharge to the existing attenuation pond that leads to the Mayne River. Mitigation measures will be required to ensure that water quality is maintained prior to discharging to watercourses. Thus, as a result of these measures, the risk to water quality during the construction phase on the Baldoyle Bay SAC/SPA should be considered, other sites can be excluded because of the separation distances involved, lack of direct connections and any dilution factors that might arise. As extensive works are planned in association with the proposed development and in close proximity to open water courses, following a precautionary approach, the potential for large quantities of silt or other construction pollutants to be washed downstream means that significant effects to the Baldoyle Bay SAC/SPA cannot be ruled out.
- 12.5.5. Observers have raised an issue that wastewater capacity issues have not been factored into the appropriate assessment carried out by the applicant. In this regard I note that Irish Water confirm that the proposed development can be facilitated without upgrades and this information was passed to the Board on the 7 September 2021 and I see it as the most up to date scenario with regard to wastewater and the local network. In any case, foul effluent from the proposed development will be sent to the Ringsend WWTP and currently emissions from the plant are not in compliance with the Urban Wastewater Treatment Directive. The Ringsend WWTP has been granted permission under section 37G of the Planning and Development Act 2000 (Board Order ABP-301798-18), 10-year permission for development comprising revisions and alterations to the existing and permitted development at the Ringsend Wastewater Treatment Plant and for a new Regional Biosolids Storage Facility, being two components of an integrated wastewater treatment facility. These works will bring the capacity of the Wastewater Treatment Plant from its current 1.9 million

PE to 2.4 million PE. Evidence also suggests that in the current situation, some nutrient enrichment is benefiting wintering birds for which the SPAs have been designated in Dublin Bay. Overall, no negative impacts to the Natura 2000 sites can arise from additional loading on the Ringsend WWTP as a result of the proposed development, as there is no evidence that negative effects are occurring to SACs or SPAs from water quality.

12.6. AA Screening Conclusion

- 12.6.1. The site is situated between 400 and 700 metres away from the SAC and SPA Natura 2000 Sites at Baldoyle Bay. I conclude that the impacts as described above cannot be ruled out, and if they occurred, would be significant given the hydrological link and proximity to these Natura 2000 sites. As such likely effects on Baldoyle Bay SAC (0199) and SPA (4016), cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required.
- 12.6.2. In relation to SAC and SPA areas at Dublin Bay, taking into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to these designated conservation sites at Dublin Bay, the lack of direct hydrological pathway or biodiversity corridor link to these conservation sites at Dublin Bay and the dilution effect with other effluent and surface runoff, it is concluded that this development that would not give rise to any significant effects to the designated sites at Dublin Bay. The construction and operation of the proposed development will therefore not impact on the conservation objectives or features of interest of North Dublin Bay SAC (0206); North Bull Island SPA (4006); South Dublin Bay and Tolka Estuary SPA (4024); and South Dublin Bay SAC (0210), the remaining sites assessed can be discounted due to an even greater lack of proximity, Malahide Estuary SAC, Rogerstown Estuary SAC, South Dublin Bay SAC, Rockabill to Dalkey Island SAC, Ireland's Eye SAC, Howth Head SAC, Lambay Island SAC, Broadmeadow Swords Estuary SPA/ Malahide Estuary SPA, Rogerstown Estuary SPA , Ireland's Eye SPA, Howth Head Coast SPA, Lambay Island SPA and Dalkey Islands SPA.

12.7. Stage 2 – Appropriate Assessment

- 12.7.1. Baldoyle Bay is described in detail in the submitted AA Screening Report. It is an estuary of the Sluice and the Mayne Rivers that is largely enclosed by a sand spit

that stretches from Portmarnock to Howth. At low tide it has large areas of exposed mud and sediment that support rich invertebrate communities. The Qualifying Interests/Special Conservation Interests of the Baldoyle Bay SAC (0199) and SPA (4016) are described above and in table 3 and 6 of the applicant's NIS.

12.7.2. The Natura Impact Statement (NIS) submitted with the application provides a description of the site-specific conservation objectives for the Baldoyle Bay SAC and SPA as follows:

For Baldoyle SPA - Objective 1 is 'To maintain the favourable conservation condition of the non - breeding waterbird Special Conservation Interest species listed for Baldoyle Bay SPA'. This objective is defined by the following attributes and targets:

- To be favourable, the long-term population trend for each Special Conservation Interest species of waterbirds should be stable or increasing;
- Waterbird populations are deemed to be unfavourable when they have declined by 25% or more, as assessed by the most recent population trend analysis.
- To be favourable, there should be no significant decrease in the range, timing or intensity of use of areas by the waterbird species of Special Conservation Interest, other than that occurring from natural patterns of variation.

Objective 2 is 'To maintain the favourable conservation condition of the wetland habitat at Baldoyle Bay SPA as a resource for the regularly - occurring migratory waterbirds that utilise it.' This objective is defined by the following attributes and targets:

- To be favourable, the permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 263 ha, other than that occurring from natural patterns of variation. The boundary of Baldoyle Bay SPA was defined to include the primary wetland habitats of this site. Objective 2 seeks to maintain the permanent extent of these wetland habitats, which constitute an important resource for regularly-occurring migratory waterbirds. The wetland habitats can be categorised into three broad types: subtidal; intertidal; and supratidal. Over time and through natural variation these subcomponents of the overall wetland complex may vary due to factors such as changing rates of sedimentation, erosion etc. Waterbird species

may use more than one of the habitat types for different reasons (behaviours) throughout the tidal cycle.

- Subtidal areas refer to those areas contained within the SPA that lie below the mean low water mark and are predominantly covered by marine water. Tidal rivers, creeks and channels are included in this category. For Baldoyle Bay SPA this broad category is estimated to be 34 ha. Subtidal areas are continuously available for benthic and surface feeding ducks (e.g. Wigeon) and piscivorous/other water birds. Various waterbirds roost in subtidal areas. The relatively low proportion of subtidal habitat is due to the fact that this SPA is designated primarily for birds using intertidal habitats.
- The intertidal area is defined, in this context, as the area contained between the mean high-water mark and the mean low water mark. For Baldoyle Bay SPA this is estimated to be 164 ha. When exposed or partially exposed by the tide, intertidal habitats provide important foraging areas for many species of waterbirds, especially wading birds, as well as providing roosting/loafing areas. When the intertidal area is inundated by the tide it becomes available for benthic and surface feeding ducks and piscivorous/other waterbirds. During this tidal state this area can be used by various waterbirds as a loafing/roosting resource. The supratidal category refers to areas that are not frequently inundated by the tide (i.e. occurring above the mean high watermark) but contain shoreline and coastal habitats and can be regarded as an integral part of the shoreline.
- For Baldoyle Bay SPA this is estimated to be 65 ha. Supratidal areas are used by a range of waterbird species as a roosting resource as well as providing feeding opportunities for some species. The maintenance of the 'quality' of wetland habitat lies outside the scope of Objective 2." The maintenance of the 'quality' of wetland habitat lies outside the scope of Objective 2. However, for the species of Special Conservation Interest, the scope of Objective 1 covers the need to maintain, or improve where appropriate, the different properties of the wetland habitats contained within the SPA."

For Baldoyle SAC - Objective: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Baldoyle Bay SAC, which is defined by the following list of attributes and targets.

Target 1. The permanent habitat area is stable or increasing, subject to natural processes. This target refers to activities or operations that propose to permanently remove habitat from a site, thereby reducing the permanent amount of habitat area. It does not refer to long or short-term disturbance of the biology of a site.

Target 2. Conserve the following community types in a natural condition:

- Fine sand dominated by *Angulus tenuis* community complex; 257ha.
- Estuarine sandy mud with *Pygospio elegans* and *Tubificoides benedii* community complex; 152ha.

12.7.3. The NIS considers the potential impacts of the proposed development upon the Qualifying Interest (QI) of the SAC and SPA areas considered. There will be no direct habitat loss, fragmentation or direct impacts upon QI bird species arising from the development. However, as a direct hydrological connection exists via the Mayne River, potential for large quantities of sediment and other construction pollutants entering the watercourse resulting from works associated with construction of the proposed development, cannot be ruled out. This could increase deposition beyond normal levels, affecting the areas of habitat for which the SAC has been designated. Other potential impacts are identified in table 8 of the NIS and table 9 lists them as follows: Habitat degradation, Dust deposition, Pollution, Silt ingress from site runoff, Downstream impacts, Negative impacts on aquatic and bird fauna and Disturbance. Following the precautionary principle, it is therefore considered appropriate to use specific mitigation measures as part of the proposed development and these are outlined in table 9.

12.7.4. I concur with the findings of the NIS in this regard, specifically in light of the proximity of the hydrological link from the subject site to the SAC and SPA areas as they coincide. The situation of the discharge of surface water to the existing attenuation pond which discharges to the Mayne River and the proximity to Baldoyle Bay SAC (0199) and SPA (4016) are particular characteristics that mean that likely significant effects cannot be ruled out. As such, specific mitigation measures during

construction and operation are required to protect and maintain the integrity of the QI habitats and species supported in Baldoyle Bay in my view.

12.7.5. Mitigation measures are identified and set out in detail in 'Table 11' of the submitted NIS. These refer, for the most part, to best practice construction measures which seek to ensure *inter alia* the protection of water quality, during the construction phase and hydrocarbon interception will be put in place for the operational stage of the development. Earthwork operations will be carried out such that surfaces, as they are being raised, shall be designed with adequate drainage, falls and profile to control run-off and prevent ponding and flowing. Sealing of drainage ditches at the most downstream element prior to the watercourse, with a tall 45 degree sloped earth and batted back bund prior to site clearance and reprofiling. Any discharges to the watercourse during construction must be discussed with the ecologist and undergo desilting and petrochemical interception.

12.7.6. Following a review of the mitigation measures outlined in 'Table 11' of the submitted NIS, alongside consideration of the site-specific conservation objectives and potential impacts upon these, I am confident that with the incorporation of the described mitigation, the project would not adversely affect the integrity of Baldoyle Bay SAC (0199) and SPA (4016). This is based on a complete assessment of all implications of the project and the observations received, specifically the comments made by the NPWS with regard to the implementation of mitigation measures as described by 'Table 11'.

12.7.7. In addition to those impacts identified in the NIS prepared by the applicant, I note that issues have been raised by observers, the NPWS and the Council's Bio-Diversity Officer. Observers have stated that the NIS is deficient because it does not address ex-situ sites, human disturbance, interruption of bird flight paths and bird strike. However, I am satisfied that even though the NIS does not directly address these matters it does provide a wintering bird survey, and a significant amount of information has been presented by prescribed bodies to allow me to carry out an appropriate assessment of the proposal.

12.7.8. These additional issues revolve around a number of interconnected elements. Firstly, though the site does not act as an ex-situ feeding ground for SCIs attributed to Baldoyle Bay SPA, it has been suggested that until the Racecourse Park has

been delivered and is operational, human activity around existing grassland amenity areas in the area would increase with a possible impact to the Light Bellied Goose that has been recorded feeding at these local amenity areas (Red Arches Road and Seagrange Park). The anticipation is that as local human population expands, then increased human activity and resultant disturbance (recreational pursuits and dog walking) would place a strain on these ex-situ feeding grounds. Before the complete delivery of the Racecourse Park which would significantly reduce the impact of disturbance caused by human activity, signage is recommended at existing amenity areas to inform users and discourage disturbance until the new park is completely operational. Such signage is seen as a measure to reduce the impact of human disturbance on SCIs of the SPA that use existing amenity land for grazing during high tide. The NPWS note that a recently completed and a well used amenity cycle pathway already traverses inside the western edge of Baldoyle SPA/SAC and I anticipate that when combined with traffic along the Coast Road and pedestrian/cycle traffic along the greenway disturbance is already a factor that requires some amount of adaptation by all local wildlife. Signage along the site boundary and at locations in agreement with the planning authority along the existing costal greenway that currently passes through the Baldoyle SAC is acceptable.

12.7.9. The second point made by observers is that flight paths would be interrupted, and increased bird strikes would result from the taller buildings proposed. In this respect I note that the NPWS are satisfied that these issues can be addressed, and detailed planning conditions have been suggested. Specifically, the NIS is supported by a wintering bird survey that identifies no species recognised as a qualifying interest of Baldoyle Bay SPA (Snipe and Heron were surveyed but they are not SCIs of the SPA) within the site. The NPWS note this finding but add that considerable usage by SCI species for the Baldoyle Bay SPA of areas adjacent to the development site which are mainly to be included in Racecourse Park was revealed. In particular flocks of the light-bellied brent goose were found to be using areas of grassland close to the development site for grazing. Flight movements of flocks of this species across the development site were also recorded. The surveys in addition identified the sections of the Baldoyle Bay SPA itself most used by the SCI and other bird species occurring there. In this respect the NPWS have highlighted the likelihood of flight path interruption and collision potential despite birds such as the Brent Geese

being able to navigate the present Dublin skyline relatively successfully. Aspects of the proposed scheme such as tall buildings close to an SPA, and particularly those buildings with windows positioned so as to provide apparent 'fly-through' opportunities, appear to constitute a definite potential collision risk for birds. The NPWS highlight very recent research on this matter and present solutions to address the exterior glazing in the following ways:

- Low reflectance opaque materials
- Visual markers applied to glass with a maximum spacing of 50 mm x 50 mm
- Building integrated structures to mute reflections on glass structures

12.7.10. The NPWS also recommend that wintering bird surveys are conducted during construction and continued for up to five years during the operational phase of the development. This is to monitor any potential long-term impacts of the proposed development on SCI birds for the Baldoyle Bay SPA. However, the NIS prepared by the applicant already includes a wintering bird survey that found no evidence on the site for SCIs of the SPA. In addition, further assessments off site would require third party involvement and there is no guarantee that this would happen. Finally, I am satisfied that the detailed mitigation measures advanced by the NPWS will ensure that the proposal would not adversely affect the integrity of the European sites and further monitoring is not necessary. The potential for any specific impacts have been identified and satisfactory mitigation measures have been developed to limit the significance of such impacts. I am satisfied that the measures advanced by the NPWS are suitably detailed and specific in order to be considered acceptable.

12.8. In-Combination / Cumulative Impacts

12.8.1. The submitted NIS refers to the context of the proposed development, with the broader urbanisation of lands as part of the expansion of Dublin City and its hinterland. This footprint of which is planned for under the Fingal County Development Plan 2017-2023 and Baldoyle – Stapolin Local Area Plan 2013. The County Development Plan and LAP were also subject to Appropriate Assessment prior to adoption with consideration of the impact of identifying sites suitable for development in the County, including in and around Baldoyle. Consideration is also undertaken in the submitted NIS of pressure on wastewater treatment facilities and

specifically the Ringsend Waste Water Treatment Plant (WWTP), with no significant effects anticipated on Natura 2000 sites.

12.8.2. The submitted NIS specifically identifies other planned developments in the vicinity of the subject site, these are also highlighted in the submitted EIAR. In this regard, I consider that there would not be potential for significant in-combination affect in my opinion. The NIS does give consideration of the risk of flooding and deterioration of water quality resulting from the cumulative effect of run-off to the Mayne River. Specific reference to the Greater Dublin Strategic Drainage Study is also provided, forming a set of universal standards to be complied with in development that incorporate SUDS techniques to maintain current levels of water quantity and quality. The NIS provides a wintering bird survey, but does not identify ex-situ feeding grounds important for SCIs of Baldoyle SPA available in the wider area. The Council's Bio-Diversity Officer and the NPWS have made the connection between the increase in human activity and disturbance to these grassland amenity areas and recommended detailed measures to address any potential for impact to the SCIs of the designated site. In addition, the NPWS has identified the potential for the interruption of flight paths and bird strike and again recommended detailed and specific planning conditions.

12.8.3. As a result, and on balance, I am satisfied with the submitted NIS and the information advanced by the NPWS and Council's Bio-Diversity Officer in terms of in-combination and cumulative effects having been adequately identified and addressed.

12.8.4. With the implementation of the mitigation measures outlined in this report and those recommended by the NPWS, I conclude that the proposed development is not likely to lead to any cumulative impacts on the integrity of the Baldoyle Bay SAC (0199) and SPA (4016), when considered in combination with other developments.

12.9. AA determination – Conclusion

12.9.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.9.2. Having carried out screening for Appropriate Assessment of the proposed development, it was concluded that likely significant effects on the Baldoyle Bay SAC

(0199) and SPA (4016) could not be ruled out, due to its hydrological link. The applicant identified hydrological links between the site and the designated sites, but the NPWS and Fingal County Council Bio-Diversity Officer have identified the potential for impacts to SCIs of the SPA at some ex-situ feeding grounds.

Supplemental information of a detailed nature has been submitted by the NPWS and Bio-Diversity Officer of Fingal County Council. Consequently, an Appropriate Assessment was required to assess the implications of the project on the qualifying features of those sites in light of their conservation objectives with specific reference to human disturbance, interruption of flight paths and bird strike. The NPWS have provided a robust basis to implement measures to ensure, beyond any reasonable scientific doubt that any impact is reduced or eliminated at ex-situ feeding grounds and flight paths.

- 12.9.3. Following an Appropriate Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, the Baldoyle Bay SAC (0199) and SPA (4016), or any other European site, in view of the sites Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and there is no reasonable doubt as to the absence of adverse effects.

13.0 Recommendation

- 13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied, and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the:

(a) the site's location adjacent to Clongriffin Train Station and close to other local facilities and amenities, within an established built up area on lands with zoning objective RA 'new residential' that seeks to 'provide for new residential communities

subject to the provision of the necessary social and physical infrastructure.’ In the Fingal County Development Plan 2017-2023;

(b) The policies and objectives in the Fingal County Development Plan 2017-2023 and Baldoyle-Stapolin Local Area Plan 2013 (extended to May 2023);

(c) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;

(d) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;

(e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All - a New Housing Plan for Ireland 2021;

(f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);

(g) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(i) ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020;

(j) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;

(k) the nature, scale and design of the proposed development;

(l) the availability in the area of a wide range of educational, social, community and transport infrastructure,

(m) the pattern of existing and permitted development in the area and the extant planning application that refers to the site/lands concerned,

(n) The Report of the Chief Executive of Fingal County Council received from the planning authority;

(o) the submissions and observations received;

(p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2020

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 4th day of August 2021 by The Shoreline Partnership, c/o Brady Shipman Martin, Canal House, Canal Road, Dublin 6.

Proposed Development

The proposed development on a site of 6.89 hectares will consist of 1,221 residential units in 9 apartment blocks, ranging in height from 2 to 15 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	6.89 hectares
No. of Units	1,221 units (all apartments)
Density	177 units per hectare (gross)
Dual Aspect	515 apartment units (42%)
Other Uses	Crèche – 452 sqm (113 spaces) Block G4 Restaurant/Café – 205 sqm Block E3
Public Open Space	0.6 Hectares – 9% of the site
Communal / Semi-Private Space	10,263 sqm (open space - courtyards)
Tenant Amenity Space	2,301 sqm (internal tenant amenity space), multi-purpose rooms, working spaces, Wi-Fi

	zones, games rooms, meeting rooms, gym and cinema rooms.
Height	2-15 storeys
Parking	665 car parking spaces (632 basement, 33 surface) 2,021 resident bicycle spaces 312 visitor/commercial s bicycle spaces
Vehicular Access	Via new and emerging residential development from Red Arches to the east and Myrtle to the south. Limited vehicular access from a new rail bridge to the west.
Part V	122 (at Block F2)

Housing Mix

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Apartments	1	502	363	82	1,221
% of Total	0.01%	41%	51.99%	7%	100%

Building Heights in detail:

- Block E1, ranging in height from 5 to 8 storeys,
- Block E2, at 5-6 storeys,
- Block E3, at 6 storeys,
- Block E4, at 5 storeys,
- Block F1, ranging in height from 2 to 5 storeys,
- Block F2, ranging in height from 2 to 6 storeys,
- Block G1, ranging in height from 4 to 10 storeys,
- Block G2, ranging in height from 4 to 10 storeys,

- Block G3, at 7 to 15 storeys,
- Block G4, at 7 storeys,
- Block G5, ranging in height from 4 to 10 storeys.

A crèche of c.452 sq.m in the ground floor of Block G4 and a restaurant/cafe unit of c.205 sq.m on the ground floor of Block E3.

Car Parking is provided in a mix of undercroft for Blocks E1-E2, F1 and F2 and at basement level for Blocks G1-G3 and G4-G5 with a total parking of 632 spaces for residential units with 33 spaces at surface level for residential use and 8 spaces (4 staff in G4/G5 and 4 drop off) associated with the proposed crèche. 2,021 cycle parking spaces are provided for residents and 312 for visitor and commercial uses.

A new central public space between Blocks E1-E2 and E3 and E4 and a new linear space between Blocks G2- G3 and G4-G5 provides pedestrian and cycle connectivity from Longfield Road to the proposed Racecourse Park to the north.

New bus, cycle, pedestrian and taxi ramp to the south of the site and north of Stapolin Square providing access from Longfield Road to Clongriffin Train Station. Proposed road connections to the site to the south via the extension of Longfield Road and eastward through the regrading of the existing road, providing access to the subject site via these two roads. Vehicular and pedestrian access from Myrtle to the south, Red Arches to the east and Station Hill to the west.

Matters Considered

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

Reasons and Considerations

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

(a) the site's location adjacent to Clongriffin Train Station and close to other local facilities and amenities, within an established built up area on lands with zoning

objective RA 'new residential' that seeks to 'provide for new residential communities subject to the provision of the necessary social and physical infrastructure.' In the Fingal County Development Plan 2017-2023;

(b) The policies and objectives in the Fingal County Development Plan 2017-2023 and Baldoyle-Stapolin Local Area Plan 2013 (extended to May 2023);

(c) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;

(d) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;

(e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All - a New Housing Plan for Ireland 2021;

(f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);

(g) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(i) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government 2020;

(j) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;

(k) the nature, scale and design of the proposed development;

(l) the availability in the area of a wide range of educational, social, community and transport infrastructure,

(m) the pattern of existing and permitted development in the area and the extant planning application that refers to the site/lands concerned,

(n) The Report of the Chief Executive of Fingal County Council received from the planning authority;

(o) the submissions and observations received;

(p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than Baldoyle Bay SAC (0199) and Baldoyle Bay SPA (4016), which are European Sites for which there is a likelihood of significant effects.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Baldoyle Bay SAC

(0199) and Baldoyle Bay SPA (4016), in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

(a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

(b) the mitigation measures which are included as part of the current proposal,

(c) the mitigation measures advanced by the National Parks and Wildlife Service, Development applications units, the Department of Housing, Local Government and Heritage, and

(c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account:

(a) The nature, scale and extent of the proposed development;

(b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application,

(c) The submissions from the applicant, planning authority, the observers, and the prescribed bodies in the course of the application; and

(d) The Planning Inspector's report.

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

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

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

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of urban waste ground to residential. Given the location of the site within the built up area of Dublin and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of most material on the site and the implementation of measures to control emissions of sediment to water and dust to air during construction.

- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

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

Conclusion on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this

conclusion, specific regard was had to the Chief Executive Report from the planning authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Fingal County Development Plan 2017-2023 in relation to core strategy and car parking provision and the Baldoyle-Stapolin Local Area Plan 2013 (extended to May 2023) in relation to building height and unit mix. The Board considers that, having regard to the provisions of section 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development Plan and Local Area Plan would be justified for the following reasons and consideration:

a) In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended): the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and comprises a significant amount of housing units (1,221) 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 issued in July 2016 and Housing for All - a New Housing Plan for Ireland 2021.

b) In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended): the matter of conflicting objectives in the development plan, Objective PM38 of the County Development Plan seeks to achieve an appropriate dwelling mix, size, type, tenure in all new residential developments, no specific targets are mentioned, however, Objective RS 2 of the Local Area Plan seeks to limit one bed units to no more than 5%, The statutory plans for the area contain conflicting objectives.

c) In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended): in terms of the core strategy the Housing for All - a New Housing Plan for Ireland (2021) builds on the National Planning Framework National Policy Objectives (NPOs) that seek to increase residential density in settlements through increased building heights and at an appropriate scale of provision relative to location, NPO 35

and NPO 33 refers. With reference to the regional planning guidelines for the area, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs and this can result in more units and taller buildings.

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 Urban Development and Building Height Guidelines, in particular SPPR3. In terms of unit mix, the proposed development meets the requirements of SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments 2020 and SPPR 4 of the Urban Development and Building Heights Guidelines that seeks a greater mix of building heights and typologies. In terms of car parking provision, this can be minimised, substantially reduced or wholly eliminated at accessible urban locations, section 4.19 of the Sustainable Urban Housing: Design Standards for New Apartments 2020.

d) In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 (as amended): the pattern of development/permissions granted in the area since the adoption of the Development Plan where taller buildings were proposed, recent planning permissions for strategic housing granted in the wider area include; ABP 310418 (SHD), F16A/0412 (PL06F.248970), ABP 305316 (SHD) and ABP 305319 (SHD) refer.

16.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in Chapter 22 of the Environmental Impact Assessment Report (EIAR) submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. The mitigation and monitoring measures as they relate to the Baldoyle Bay SPA and Baldoyle Bay SAC outlined in Table 11 of the Natura Impact Statement submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. In addition, Prior to the commencement of development, specific measures with respect to the Baldoyle Bay SPA and Baldoyle Bay SAC shall be submitted to, and agreed in writing with, the planning authority, as follows:

a) The erection of signage along the boundaries of the development site and with agreement from the planning authority the nearby Coast Road adjacent to the Baldoyle Bay SPA to alert the public to the potential detrimental effects on SCI birds species for the SPA of disturbance by humans or their dogs; the text and location of

these signs to be agreed with the planning authority and to be erected before the commencement of works on the development site.

b) A revised glazing scheme for the proposed development, this plan shall incorporate bird friendly glazing to be installed according to the methodology set out in the Nature Conservation section of the submission made by the Development Applications Unit of the Department of Housing, Local Government and Heritage dated the 6 September 2021.

Reason: To protect the environment and integrity of Baldoyle Bay SPA and Baldoyle Bay SAC.

4. Prior to commencement of any works, a finalised Construction Management Plan (CMP) shall be prepared and submitted to the planning authority for its written agreement, this CMP to incorporate the measures set out in the NIS and OCMP supporting this application to avoid any pollution through surface water runoff or by airborne dust of European sites during the construction of the proposed development, including the erection of silt fences, installation of settling ponds, and the safe storage and handling of hydrocarbons, other chemicals, concrete and cement on the site; the CMP also to include provision for the employment of an ecologist to supervise the carrying out of these mitigation measures and to be implemented in full.

Reason: To protect the environment and integrity of Baldoyle Bay SPA and Baldoyle Bay SAC.

5. The developer shall comply with all requirements of the planning authority in relation to roads, access, cycling infrastructure and parking arrangements. In particular:

(a) The roads and footpaths shall be constructed in accordance with the Council's standards for taking in charge.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

6. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2019. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5 metres in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

7. Details of any alterations to the road and pedestrian network serving the proposed development, including loading areas, footpaths, kerbs and access road to the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. All roads and footpaths shown connecting to adjoining lands shall be constructed up to the boundaries with no ransom strips remaining to provide access to adjoining lands. These areas shall be shown for taking in charge in a drawing to be submitted and agreed with the Planning Authority.

Reason: In the interest of permeability and proper planning and sustainable development.

9. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

10. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of legibility and to ensure the use of locally appropriate place names for new residential areas.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

14. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. a) Prior to the opening/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/occupants/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.

b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy any car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

16. A minimum of 10% of all car parking spaces should be provided with 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 has not been submitted with the application, in accordance with the

above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

17. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

18. 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 commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

19. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

21. 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.

Reason: In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a Construction 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) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

o) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works and the maintenance of access to Clongriffin Railway Station at all times;

Reason: In the interest of amenities, public health and safety.

23. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the details and schedule of works adjacent to the railway line.

Reason: To protect the railway and in the interests of public safety.

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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.

26. 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 provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

27. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

28. The developer shall enter into water and wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

29. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the details any crane operations and o ensure they do not impact on flight procedures and air safety. The developer shall also contact the Irish Aviation Authority and DAA of intention to commence crane operations with a minimum of 30 days notification of their erection.

Reason: In the interest of residential amenity and aircraft safety.

30. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

31. Prior to the commencement of any duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

32. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any

applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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.

33. 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.

Reason: To ensure the satisfactory completion of the development.

Stephen Rhys Thomas
Senior Planning Inspector

12 November 2021