



An
Bord
Pleanála

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

Inspector's Report ABP-311333-21

Strategic Housing Development

Construction of 131 no. build-to-rent
apartments and associated site works.

Location

Redcourt, Seafield Road East,
Clontarf, Dublin 3
(www.redcourtclontarf.wixsite.com/-shd)

Planning Authority

Dublin City Council

Applicant

Savona Limited

Prescribed Bodies

1. Irish Water
2. An Taisce-the National Trust for
Ireland

3. Department of Housing, Local Government and Heritage (Built Heritage and Nature Conservation)
4. The Heritage Council
5. Irish Aviation Authority and Department of Defence
6. Dublin Airport Authority
7. Dublin City Childcare Committee

Observer(s)

377 submissions received

Anne Maire Maguire

Irish Aviation Authority

The McHugh Family

Agnus Coyle

Aidan Boyle

Aidan Connaughton

Aidan Fox

Ailish Murphy

Aine Kidd

Aisling Murphy

Aleksandra Bereza

Alex Leonard

Alex O'Hanlon

Alice Bizzotto

Ann Cole

Ann Phelan

Anna Byrne

Anna Lawlor

Anna Logan

Anne and Brendan Ryan

Anne Hughes

Anne Kelly

Anne Lenahan

Anthony Diamond
Antonia Mercer
Aoife Donnelly
Aoife Marsh
Arthur Boyle
Bairbre Twomey
Barbara Hopkins
Barry Murphy
Bernard Hughes
Bill Hennessy
Breeda Humphreys
Brendan and Kate Fagan
Brendan and Margaret Gallagher
Brendan Cole
Brendan Glynn
Brendan Grace
Brendan Harvey
Brendan Walsh
Brid Ni Chowail
Briege Doyle
Cait Nic Cumhail
Carl Meehan
Carla Buckley
Carlo Mancini
Carmel O Connor
Carol Minogue
Caroline Kelly
Cathal Lawlor
Catherine Glynn
Catherine Logan
Catherine Stocker
Cathy Fox
Celestine Butterly

Charles Hannon
Ciara Lonergan
Ciara Mullarkey
Clontarf Residents Association
Cole Kirwan
Colette Blake
Colette McCaul
Colette McGrath
Colm and Ramona
Colm Daly
Colm Flynn
Conor Fagan
Conor Marsh
Conor O Regan
Cormac Ó'Dálaigh
D. Breathnach
Dagan Malone
Damian O'Farrell
Damien Smith
Daniel Doyle
Darragh O'Malley
Development Applications Unit
David Brinkman
David Doyle
David Fleming
David Kirwan
David Mulligan
David O'Flaherty
David O'Neill
Dearbhla Nic Aogain
Deborah Soffe
Declan Belton
Declan Lawlor

Deirdre Barnicle
Deirdre Hennelly
Deirdre Murphy
Deirdre Soffe
Deirdre Walsh
Derek Erskine
Derek Joyce
Dermot Murphy
Dervilla O'Brien
Desmond McGlynn
Desmond Slowey
Dolores O'Hagan
Don Ennis
Donal Bolger
Donal Carr
Donal Ennis
Donna Cooney
Eamon McEvoy
Eamonn Russell
Edgar McClave
Edward and Ann Byrne
Edward and Bernadette O'Dea
Edward Lawless
Edward Shaw
Eileen Kelly
Eileen McCarthy and Luc Deprez
Eileen McGuire
Eimear Marsh
Eithne Vaughan
Elaine King
Eleanor Creedon
Elizabeth Weir
Elva Stapleton

Emer Lawlor
Emer Ryan
Emma Stapleton
Emmanuel Kennedy
Emmet Casserly
Eoghan O'Neill
Eoin and Collette Gill
Eoin Feeney
Eoin Gilhooly
Eoin Shanahan
Fedelmia O'Meara
Fergal Lynch
Fergal McGuire
Fergal O'Dwyer
Finbar Kenny
Fintan and Deirdre Lalor
Fintan Lawlor
Fintan Mullarkey
Fiona Darragh
Florian Gniech
Frances Ennis
Frances Kenny
Francis Hughes
Frank Doyle
Frank Fleming
Frederick S Taylor
Gearoid Sheanon
Gemma Lawlor
Geoffrey Blake
Ger Twomey
Geraldine Cashman
Geraldine Leavy and Others
Geraldine Moore

Gerard Lillis
Gerard O'Donovan
Gerry Boyle
Gerry Donnelly
Gerry Prizeman
Gordon Knoppe
Helen Delaney
Helen Doogue
Helen Murphy
Hilary Bates
The Horsburgh Family
Hugh and Ruth O'Leary
Hugh McIlvenna
Ian Darragh
Irish Water
Isobel Doherty
J and M Smith
JJ Murphy
Jacinta Heslin agus Micheál Ó'Scanaill
James Murphy
James Weldon
Jamie Pilkington
Jane Hopkins
Jane Leonard
Jane Morrill
Jane Sevastopulo
Jean Hopkins
Jeff Hopkins
Jennifer Nordell
Jessie Fuller
Jo Sherry
Joan Lavin
Joan Malone

Joanne Smith
Joe O'Flaherty
John Clohisey
John Hunter
John Keogh
John Lacey and Rhona Lucas
Kameliya Todorova and Ivaylo Hristov
Karl Duffy
Karl O Reilly and Mary Griffith
Karl Ranson
Katherine Paisted
Kay and Joe Lonergan
Ken Meagher
Kerrie Ann Rowan
Kevin Hughes
Kevin Humphreys
Kieran and Veronica Miller
Killian Marsh
Larry Meany
Laura Brayden
Lenka O'Relly
Leo J Hamill
Sub - Liam Lonergan
Liisa Rodriguez
Lisa Smith
Loretta McClave
Lorraine Lawlor
Louise Grace
Madeleine Farrell
Maeve Buckley
Maeve Crowley
Maeve Keane
Mairead Boyle

Mairead Donlon
Mairead Foley
Majella Hofmann
Manus McHugh
Margaret and Diarmuid Dunne
Margaret Lawlor
Margaret McLoughlin
Margaret Scott
Marie Collins
Marie Perrin
Mark Hughes
Martin Stapleton
Martina Smith
Mary and James Cunningham
Mary Beth Porter
Mary Breen
Mary Carr
Mary Clare Ward
Mary E Corcoran
Mary Kinsella
Mary O'Brien
Mary O'Donovan
Mary P. Meaney
Matthew McIlvenna
Matthew Porter
Maureen O'Neill
Michael Butler
Michael Cowap
Michael Deignan
Michael Glynn
Michael Howley
Michael Marsh
Michael O'Rourke

Michael O'Sullivan
Michael Slein
Michelle Doody
Michelle Smith
Mick Clinton
Monica Smith
Myles Tuthill
Naoise Ó'Muirí
Naomi Clohisey
Nathy Groarke
Neil Loftus
Niall Bolger
Niamh Hodnett
Niamh O'Grady
Nicholas Mac Cumhaill
Niksa Jadric
Noel and Gina Joy
Noel Kerins
Noel McCormack
Olivia Lawlor
Orla Magorrian
Orla Murphy
Orla O'Sullivan
Orlagh Meehan
Orna Malone
Paddy Ward
Padraic Carr
Pamela Finnegan
Pamela Salter
Pat Dunne
Pat McManus
Pat Suttle and Eamon Kealy
Patricia Fitzpatrick

Patricia Joyce
Patrick and Eimer Cooke
Patrick Delaney
Patrick Dowling
Patrick Kennedy
Patrick Kenny
Patrick McEvoy
Paul H O'Neill
Paul Soffe
Pauline Taylor
Peggy Groarke
Peter Collins
Peter Finnegan
Peter Stapleton
Philip Browne and Jennifer Weir
Rachel Doyle
Rachel Grace
Rachel Lonergan
Ray Hughes
Raymond Bergin
Richard and Nodlaig Nolan
Richard O'Riordan
Robert Hopkins
Robert Porter
Roddy Rowan
Roisin O'Dwyer
Ronan MacGabhann
Rosaleen Barry
Rosemary Hutchinson
Rosemary O'Farrell
Rosemary Rodriguz
Ross Bolger
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Seafield Road East Residents Group,
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Sean Porter
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Shane Tiernan
Sharon Stapleton
Shaun Murphy
Shay and Maeve McKenna
Sheena O Reilly
Sheila Cotter
Sheila Deegan
Sheila Macken Ui Laighin
Sheila McDonnell
Sheila O'Sullivan
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Suzanne McKearney and Barry
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Tiernan Cunneen
Tadhg O'Sullivan
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Thomas Delaney
Thomas Doyle
Thomas G.R. Foxe
Thomas Galvin
Thomas O'Reilly
Tighearnan O'Connor
Tom Joyce
Tom Lonergan
Tomas McEvoy
Tony Judge
Una Mockler
Valerie Cole
Vera Bolger
Veronica Clohisey
Victoria Darragh
Vincent Clohisey
Vivienne Bates
Wolfgang Hofmann

Date of Site Inspection

06th December 2021

Inspector

Lorraine Dockery

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of 0.7116 hectares, is located on the northern side of Seafield Road East, Clontarf, Dublin 3. This a tree-lined residential street accessed off Vernon Avenue to the west and the Clontarf Road (R807 regional road) to the east, which runs along the coast.
- 2.2. The subject site is located approximately 5 km northeast of Dublin city centre.
- 2.3. It is bound to the west by St. Gabriel's Road (Seacourt estate) and to the north by Dollymount Park and Saint Gabriel's Catholic Church. There are bottle banks and parking spaces located along Dollymount Park (northern boundary). Works to the footpath around the bottle banks were on-going at the time of my site visit. Further to the north along St Gabriel's Road is a small neighbourhood centre. Redcourt Oaks Scheme bounds the site to the east along Seafield Road East.
- 2.4. The immediate area is predominately characterised by two-storey suburban housing with a mix of two-storey and single storey houses on individual plots along Seafield Road East. The exception being Redcourt Oaks which bounds the site to the east (3 storey duplex which backs onto the site). St. Gabriel's Church is located on the opposite side of Dollymount Park, which is approximately 18 metres in height above existing ground level.
- 2.5. The ground slopes from Dollymount Park (approx. 7.0m AOD) towards Seafield Road East (approx. 3.8m AOD) and continues to fall along Seafield Road East towards the sea at Clontarf Road.
- 2.6. The site formerly contained Redcourt, a detached 19th century house and gardens, which is stated in the documentation was extensively damaged by fire in 2007 and has since been demolished. The site is currently overgrown and bound by mature trees and hedges. The existing entrance is off Seafield Road East.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises a build-to-rent residential development on a site of 0.7116 hectares at Seafield Road East, Clontarf, Dublin 3. The proposed development will consist of the construction of 131 no. build-to-rent residential units in 4 no. blocks ranging in height from 5 to 6 no. storeys, with associated site development works including the provision of a new vehicular access from Dollymount Park to the north and works to adjoining public roads.

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

Table 1: Key Figures of Overall Development

Site Area	0.7116 hectares
No. of residential units	131 BTR apartments
Other Uses	Residential Amenity Space to include: 131 storage lockers at BL Gym- 133 m ² Multi-Purpose meeting/event room- 126.5 m ² Concierge/admin office- 68.6 m ²
Other Works	Work to adjoining public roads ESB substation and switch room
Demolition Works	N/A
Density	184 units/ha
Height	5-6 storeys
Plot Ratio	1.55
Site Coverage	30.9%
Dual Aspect	87.8% (stated)
Public Open Space Provision	1,462 m ² (20% of site)
Communal Open Space Provision	1,293 m ²
Part V	13 units - 8 x one-bed; 5 x two-bed

Parking	81 car spaces (includes for 1 car share space and 3 disabled spaces) at BL; 288 bicycle spaces (68 visitor; 220 residents)
Access	New vehicular access to the basement car park from Dollymount Park to the north

Table 2: Overall Unit Mix

	Studio	1 bed	2 bed	3 bed	Total
Apartments	16	34	73*	8	131
As % of total	12%	26%	56%	6%	100%

*includes for 21 duplex units

Table 3: Summary of Blocks/Heights

Height/ Uses	Height incl. ETFE apex (closure over communal garden) (facing blocks)
6 storeys facing Dollymount Park (17.42m) 30 apartments	Set back 7.0m from parapet Apex at +1.1m
6 storeys facing St. Gabriel's Road (17.8m) 40 apartments	Set back 9.9m from parapet Apex at + 2.6m
6 storeys facing Redcourt Oaks (18.1m) 33 apartments	Set back 9.9m from parapet Apex at + 2.6m
5 storeys facing Seafield Road East (16.7m) 28 apartments	Set back 8.8m from parapet Apex at + 5.5m

- 3.3. A Draft Build-to-Rent covenant has been submitted with the application documentation.
- 3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that the proposed connections can be facilitated,

subject to conditions. In addition, a Design Submission was included with the application, in which Irish Water state that they have no objections to the proposal, based on the information provided.

- 3.5. A letter of consent was included with the application documentation from Dublin City Council stating that they have no objection to the inclusion of lands (identified in red hatch lying between red and blue line boundaries on the attached drawing TWL/30121/RB01) for the purpose of making a planning application to An Bord Pleanála. This is without prejudice to the outcome of the planning application process.
- 3.6. A letter of commitment from car share company GoCar to provide a permanent car share vehicle at basement level for the exclusive use of residents and an additional vehicle for public use on Dollymount Park (subject to Dublin City Council approval) accompanies the application.
- 3.7. It is anticipated that the duration of the construction phase will be approximately 24 months, with the following phases noted:

Table 4: Phasing

Phase	Stage	Duration
Phase 1	Site Clearance	3 weeks
Phase 2	Piling	7 weeks
Phase 3	Basement Excavation	7 weeks
Phase 4	Basement Construction	10 weeks
Phase 5	Superstructure	80 weeks

- 3.8. An EIA Screening Statement has been submitted with the application which concludes that the proposed development does not meet any of the thresholds set out in Schedule 5 of the 2001 Regulations- it is evident that there is no requirement for a mandatory EIAR. The proposed development will not give rise to any likely significant impacts on the environment having regard to the sub-threshold assessment criteria set out in Schedule 7 of the 2001 Regulations and taking into

account the mitigation measures referred. It is therefore concluded that an EIAR is not required.

3.9. A Material Contravention Statement in respect of building height was submitted.

4.0 **Planning History**

Section 3 of the submitted Planning Report deals with the planning history of both the subject site and applications within its vicinity. I refer the Board to same. The main applications of relevance are:

4944/08 (ABP Ref. PL29N.233260)

Permission GRANTED for the demolition of the fire gutted house and construction of a 5 storey over basement apartment block (54 units).

4944/08X1 (development approved under PL29N.233260)

Refers to an Extension of Duration of Planning Permission that was refused on the basis that the development would materially contravene the Dublin City County Development Plan 2011-2017 relating to dimensional and height restrictions for residential developments in the Outer City Area and would not provide accessible open Space and inadequate private OS (balcony depths)

1349/07 (ABP Ref. PL.29N.222951)

Permission GRANTED for alteration and extension of Redcourt House and conversion into 4 apartments and construction of 5 storey apartment block comprising 33 apartments. 9 houses and all associated site works.

5405/04 (ABP Ref. PL.29N.211589)

Permissions REFUSED for 4 storey apartment block on the grounds that the demolition of Redcourt would materially contravene Z2 land Use zoning in the City Development Plan which seeks to protect and improve the amenity of the site and

the proposed vehicular entrance would result in conflicting traffic movements and endanger public safety by reason of a traffic hazard.

5.0 Section 5 Pre Application Consultation

A Section 5 pre application consultation took place via Microsoft Teams due to Covid-19 restrictions on the 11th November 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála (ABP-307953-20).

1. Open Space (communal and public)

a) Further consideration/clarification in the documentation in relation to the proposed covering over the communal courtyard area. This should include a rationale for the covering and clarify if the communal area is to be completely enclosed. The documentation should also address, inter alia, the following in relation to this covered space: potential impacts arising from noise generated; access to daylight/sunlight; temperature generated in this space; odour mitigation; implications, if any, for delivery of 'dual aspect' apartments; maintenance; uses proposed within the space etc. It may be of benefit at application stage if the applicant can indicate examples where such a proposed covering has been used in other residential developments.

b) Further consideration/clarification in the documentation in relation to the quantum and quality of public and communal open space provision and the creation of vibrant, amenable and high-quality communal open spaces within the development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Design and Layout

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed height, scale and massing of the proposal, having regard to its locational context.

- a) This should include a contextual layout plan which indicates the layout of adjoining developments, photomontages and cross sections at appropriate levels, including details of how the proposed development interfaces with contiguous uses/lands and adjoining roads (Seafield Road East, St. Gabriel's Road and Dollymount Park)
- b) In addition to the consideration of local statutory policy and national policy and guidelines, particular regard should be had to demonstrating that the proposal satisfies the criteria set out inter alia in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). The applicant should satisfy themselves that the design strategy for the site, as outlined in red, provides the optimal outcome for the subject lands.
- c) The interface with the Public Realm at Seafield Road East, St. Gabriel's Road and Dollymount Park, the interface with Redcourt Oaks to the east, as they relate to the design and layout of the proposed development and the desire to ensure that the proposal provides a high quality, positive intervention at this location. Particular regard should also be had to creating suitable visual relief in the treatment of elevations and interface with adjacent lands. An architectural report, urban design statement and additional CGIs/visualisations should be submitted with the application, together with a report that specifically addresses proposed materials and finishes to the scheme.

The further consideration / justification should have regard to, inter alia, the guidance contained in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, the Urban Development and Building Height Guidelines for Planning Authorities 2018; the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the accompanying Urban Design Manual; the Design Manual for Urban Roads and Streets 2013; and the Dublin City Development Plan 2016- 2022. The further

consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Residential Amenities

Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme, and daylight and sunlight access to units and amenity areas within the development. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

4. Ecology

Further consideration/clarification of the documents as they relate to the raised by the Biodiversity, Parks and Landscape Services (report dated 7th September 2020) contained in the Planning Authority's Opinion received by An Bord Pleanála on 11th September 2020 & the addendum report from the Senior Executive Parks and Landscape Officer (report dated 11th September 2020) received by An Bord Pleanála on 11th September 2020.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the proposed development.

In addition, the applicant was advised that the following specific information should be submitted with any application for permission arising from this notification:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
2. A detailed Sunlight, Daylight and Shadow Analysis.
3. Wind micro-climate study, including analysis of balconies, pedestrian areas and amenity areas.

4. A temperature analysis of the main communal amenity area and pedestrian routes, walkways/decking.
5. A Landscape and Visual Impact Assessment, to include inter alia long views of the site from Bull Island.
6. A report identifying the demand for school and crèche places likely to be generated by the proposal and the capacity of existing schools and crèches in the vicinity to cater for such demand.
7. Response to issues raised in Addendum B of Planning Authority Report, received 11th September 2020 which includes the internal reports of the Transportation Planning Division, Drainage Division and Housing Department.
8. A Draft Construction and Demolition Waste Management Plan.
9. 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.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

A Material Contravention Statement was submitted with the application in relation to the matter of height. This shall be addressed further within the main planning assessment.

6.0 Relevant Planning Policy

National Planning Policy

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

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

Other policy documents of note:

- National Planning Framework

Objective 4

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

Objective 13

In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These

standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Objective 27

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

Objective 35

Increase residential density in settlement, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

Local Planning Policy

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

Zoning:

The lands are zoned 'Objective Z2: Residential Neighbourhood (Conservation Areas)' which seeks 'to protect and/or improve the amenities of residential conservation areas'.

'Residential' is a permissible use under zoning 'Objective Z2'.

The majority of lands surrounding the site are zoned 'Objective Z1: Sustainable Residential Neighbourhoods'. 'Residential' is a permissible use under zoning 'Objective Z1'.

The subject site is located approximately 60m to the south of the Zone of Archaeological Constraint for Recorded Monument DU014-016 (mound), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994 (see Figure 1). Further, the site in question is located approximately 60m south to the Zone of Archaeological Interest in the Dublin City Development Plan 2016-22.

Chapter 5 Quality Housing

Chapter 11 Built Heritage and Culture

Dublin Bay has recently been awarded a UNESCO Biosphere designation, which aims to promote biodiversity management at ecosystem level.

The following policies are noted:

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

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

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

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

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

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

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

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

Height

Section 16.7 Building Height in a Sustainable City

Section 16.7 Building Height

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

Section 16.7.2 Assessment Criteria for Higher Buildings

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

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
- Effect on the historic environment at a city-wide and local level
- Relationship to transport infrastructure, particularly public transport provision
- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for
- Contribution to public spaces and facilities, including the mix of uses

- Effect on the local environment, including micro-climate and general amenity considerations
- Contribution to permeability and legibility of the site and wider area
- Sufficient accompanying material to enable a proper assessment, including urban design study/masterplan, a 360 degree view analysis, shadow impact assessment, wind impact analysis, details of signage, branding and lighting, and relative height studies
- Adoption of best practice guidance related to the sustainable design and construction of tall buildings
- Evaluation of providing a similar level of density in an alternative urban form.

Map J - Strategic Transport and Parking Areas

- Area 3 - Residential car parking standard of maximum 1.5 space /residential unit. Cycle parking 1 space per unit for all zones.

Designated Sites

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

Special Areas of Conservation (SAC)

- South Dublin Bay SAC (Site Code 000210), c.2.5km distant;
- North Dublin Bay SAC (Site Code 000206), c.0.243km distant;
- Baldoyle Bay SAC (Site Code 000199), c.5.3km distant;
- Howth Head SAC (Site Code 000202), c.5.8km distant;
- Rockabill to Dalkey Island SAC (Site Code 003000), c.6.2km distant;
- Malahide Estuary SAC (Site Code 000205), c.8.7km distant;
- Ireland's Eye SAC (Site Code 002193), c.8.9km distant;
- Lambay Island SAC (Site Code: 00204), c. 16.6 km distant
- Rye Water Valley SAC/Carton SAC (Site Code: 001398), c.21km distant

Special Protection Areas (SPA)

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), c.0.294km distant;
- North Bull Island SPA (Site Code 004006), c.3.2km distant;
- Rogerstown Estuary SPA (Site Code: 004015), c.15km distant;
- Lambay Island SPA (Site Code: 004069), c.16.6km distant;

- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (Site Code 004025), c.9.7km distant;
- Ireland's Eye SPA (Site Code 004117), c.14.4km distant;
- Howth Head Coast SPA (Site Code 004113), c.13.4km distant;
- Dalkey Islands SPA (Site Code 004172), c.11km to the distant;

7.0 Third Party Submissions

7.1 In total, 377 submissions were received, of which 3 no. of these are from prescribed bodies. The remaining submissions are from residents of properties in the vicinity, residents' associations, local politicians and other interested parties. Issues raised are similar in nature. Some of the submissions received support the development of this site, but have raised concerns with the current proposal. The contents of the submissions received from prescribed bodies are further detailed below in section 8. Many of the submissions are identical. Three main templates were received. I also note that some of the identical submissions include personal additions and these have also been read and taken into account. There are also a substantial number of standalone submissions which I have also read and summarised below. All submissions have been taken into account in my assessment. Reference is made to more pertinent issues, which are expanded upon, within the main assessment. The issues raised of concern can be broadly categorised under the following headings:

- Principle of Development
- Conflict with City Development Plan/Zoning objective
- Build to rent model
- Height, Scale, Density and Design
- Impacts on visual amenity
- Size and Mix of units
- Quality of Apartment Design/EFTE roof
- Impacts on Existing Residential Amenities
- Impacts on biodiversity/environmental concerns
- Traffic and parking concerns/works to public domain
- Drainage/Flooding concerns

- Other Matters including construction management

The contents of the submissions received may be broken down as follows:

Template 1:

- Contravention of City Development Plan- SHD process; height
- Traffic management concerns- entrance to site from Dollymount Park; lack of detail on construction management; increased congestion
- Biodiversity- impacts on bats, badgers, pygmy shrew, wren; impacts on existing trees; would like to see EIA and AA carried out; unable to view AA information
- Visual Impacts- capacity of site to absorb a development of scale, height and massing proposed; shadow impacts; potential impacts on daylight access to dwellings along Seafield Road East and Dollymount Park
- Provision of services and amenities- number of childcare places in vicinity; lack of provision of childcare facility

Template 2:

- Serious and permanent loss of amenity and degrading of local environment
- Destruction of all boundary trees along Seafield Road and St. Gabriel's Road
- Injurious to character of the area
- Excessive density
- Overcrowded living conditions for future occupants
- Height- material contravention of City Development Plan; overshadowing
- Loss of car parking spaces and encroachment onto public road along Dollymount Park
- Flooding concerns
- Neglect to property over last number of years

Template 3:

- Failure of development to integrate into surrounding area; scale, height and density
- Overbearing/overlooking impacts; injurious to residential and visual amenities

- Capacity of existing drainage infrastructure; inaccuracies in information submitted in relation to flooding
- Adequacy of proposed car parking; concerns regarding Go-Car strategy; public transport capacity; exacerbate existing parking issues
- Unclear which trees are to be retained/removed
- Noise pollution from proposed roof garden and balconies

Councillor Catherine Stocker/Sean Haughey TD/Councillor Donna Cooney

- Principle of SHD process
- Contravenes Development Plan as proposal does not adhere to Z2 zoning objective
- BTR model
- Concerns regarding height, density, design and layout; overdevelopment
- Out of character with surrounding development
- Impacts on residential amenity including overlooking; impacts on daylight; noise from roof garden
- Accuracy of photomontages from Bull Island
- Materiality of EFTE roof
- Impacts on biodiversity and ecology; impacts of EFTE roof on flight path of birds; impacts on natura sites (pollution and/or sediment transfer); tree removal
- Drainage and flooding concerns
- Traffic congestion; inadequate parking; inadequate social infrastructure
- Other matters including relocation of bring centre; works within public domain

Seafield Road East Residents Group, Seacourt Residents Group, Dollymount Park and Rise Residents Group (three in one submission)/Clontarf Residents' Association

- Not opposed to development on this site
- Site derelict for a number of years and community would welcome an appropriate development that is in keeping with the character of the surrounding area and would provide much needed homes
- Not an appropriate location for a BTR development of this scale and density given Z2 zoning objective of the site

- Scale of proposal; overdevelopment of the site; height; visual impacts; monolithic design; lack of transitions; visually dominant
- Proposal does not respect character of local area and streetscape; removal of trees; overbearing; sufficient justification has not been provided for proposed material contravention in relation to height; contrary to Building Height Guidelines in particular SPPR3 at scale of relevant city/town/district/neighbourhood/street and site/building
- Inadequate rationale for proposed vehicular access from Dollymount Park; removal of public parking spaces and bring centre; exacerbation of existing traffic congestion
- Inadequate car parking provision proposed; no visitor parking; no drop-off/service parking; capacity/proximity of public transport
- Residential impacts- overlooking; impacts on privacy; daylight/sunlight for future occupiers and existing residents; lack of play areas; negative impacts on property values
- EFTE roof and impacts on communal open space; noise from roof terrace
- Drainage and flood risk concerns
- Impacts on wildlife; loss of trees and hedgerows; impacts on bats, badgers and wild birds; full EIA required
- No details in relation to use of proposed gym
- Inadequate school and childcare places in wider area
- In-combination effects with other developments permitted in the area
- Other matters including calculation of density; timing of surveys; need for full EIA; inconsistencies in documentation; lack of Universal Design Statement; other procedural issues

Seacourt/Dollymount Avenue/Dollymount Park/Dollymount Grove/Dollymount Rise

- Some of the submissions received support the development of this site, but have raised concerns with the current proposal
- Contravention of City Development Plan and SHD process; consistency with Z2 zoning objective
- Height- out of character; inadequate setbacks; design; impacts on streetscape; lack of integration with existing development; site size

- Excessive height, density and scale; overbearing; injurious to visual and residential amenities; residential amenity for future occupants; lack of green space around development boundary; insufficient play areas within proposal; lack of childcare facility
- Creation of wind tunnel and subsequent impacts on health and safety
- Overdevelopment; cause distress to those living in its shadows; intrusion
- Essentially a hotel development with concierge
- Impacts on privacy; overlooking; noise from proposed roof garden; impacts on light; amenity of future occupiers
- Increased traffic congestion; inadequate car parking; lack of visitor parking; impacts on existing public parking; works to public roadway; lack of public transport capacity; use of Dollymount Park as access to site; removal of existing on-street parking and bottle bank
- Increased risk of flooding; further demands on existing overstretched drainage system
- Existing services and facilities including schools and childcare facilities at capacity
- Removal of trees an environmental concern; Tree Protection Plan; removal of moss from trees an environmental concern; impacts on biodiversity; impacts on bats, badgers, pygmy shrew and wren
- EIA and AA should be undertaken
- BTR nature of development- contribution to local community; future maintenance; lack of 'down size' units; mix of units and lack of family friendly units
- Procedural issue- query whether permission from DCC to include lands within their ownership in application; accuracy of information provided within Daylight and Sunlight Analysis; planning history; construction traffic; construction related measures

Seafield Road/Seapark Road/Seapark Drive

- Serious and permanent loss of amenity and degrading of the local environment; EIA should be undertaken
- Neglect of site and anti-social behaviour

- Tree removal; methodology for protecting those trees to be retained
- Proposal not in harmony with existing development; poorly designed proposal; does not meet requirements of SPPR1 and SPPR3; contrary to zoning objective
- Overdevelopment; monolithic in style; overbearing; streetscape not consistent with local area; should be reduced to 2/3 storey building
- Inadequate setback from roadway; significant visual impacts
- Daylight not compliant with BRE guidance
- No open space proposed
- Destruction of trees along boundaries
- Excessive height and density; contrary to zoning; unsympathetic design; inappropriate form of development; overbearing; dominate the landscape
- Proposal more suitable for the quays or lands within Co. Dublin commuter belt; inappropriate for this suburban community
- Out of character with professionally landscaped settings of other apartment developments in the area; overall scale of proposal
- Increased pressure on utilities; concerns regarding flooding and drainage capacity
- Loss of car parking spaces and encroachment onto public road; overspill; safety hazard for pedestrians and cyclists
- Biodiversity impacts; impacts on badgers; loss of mature trees and natural habitat
- Residential amenity concerns- impacts on privacy; noise pollution from roof garden; impacts on light; overlooking; overshadowing; loss of privacy
- BTR nature of development; maintenance into the future; impacts on existing property values; inappropriate unit sizes and mix; planned common areas at variance with good public health advice; not viable as housing stock for the future; no opportunity to purchase property; transient population
- Inadequate car parking proposed; traffic congestion; road safety concerns; construction traffic concerns; access for emergency vehicles; loss of public car parking spaces; concerns regarding access through Dollymount Park- should be on St. Gabriel's Road; concerns regarding narrowing of St.

Gabriel's Road and Dollymount Park; lack of details regarding Construction Management Plan; construction nuisance and excavation

- Drainage and flooding concerns
- ETFE not appropriate at this location; unsightly
- Creation of wind tunnel due to height
- Capacity of schools and childcare facilities; capacity of public transport; lack of play facilities proposed; lack of childcare facility; inadequate details regarding proposed gym
- Procedural matter relating to site ownership; SHD process; planning history; inaccuracy of childcare information

Redcourt Oaks/Seafield Road East

- Existing anti-social behaviour on this site; neglect to property
- Excessive height, scale and density; inconsistent with character and pattern of development in the area; contravention of City Development Plan in relation to height; not consistent with zoning objective; low quality proposal not in compliance with Housing For All; impacts on quality of life; impacts on conservation area
- Proposal does not meet the requirements of Urban Development and Building Height Guidelines SPPR1 and SPPR3; fails to take cognisance of scale, height and proximity of neighbouring properties and is not in keeping with existing heights in the area; does not make a positive contribution to place-making; lack of variety; piecemeal development
- Proposed development materially contravenes the Development Plan's 45% site coverage standard for Z2 zoned lands
- Monolithic development; fails to integrate with existing environment; destroying neighbourhood; overbearing; overdevelopment of site; lack of transition in heights; inappropriate development for the area; profound visual impacts; visually discordant; brick finish and roof profile out of keeping with existing development; compared to 'Hangar 6' in Dublin airport
- Represents a large commercial complex in the midst of a prime residential area

- Injurious to residential amenity- overlooking; loss of sunlight; impacts on privacy; noise pollution from roof gardens; vermin
- Impacts on energy rating; adverse impacts on climate change; further pressure on electricity supply
- Setting of undesirable precedent
- Removal of oak trees; preservation orders on trees proposed for removal; ruination of wildlife and impacts on biodiversity; impacts on North Bull Island; Tree Protection Plan is uncertain; loss of trees along site boundary; impacts on badgers and nearby protected birds
- Daylight/sunlight analysis does not factor in existing evergreen trees
- Does not meet requirements of Sustainable Urban Housing guidelines as no distinct private and public amenity space proposed
- No outdoor open space proposed and no rationale given for same
- BTR nature of development; transient population; inappropriate location for BTR development- should be on industrial lands beside office development; negative impact on area where majority of residents are owner occupiers, taking great pride in the area
- No units available for those wishing to downsize
- ETFE not appropriate in this location as attracts birds
- Increased noise and traffic congestion; increased pollution; increased traffic hazard; inadequate public transport; inadequate car parking provision; loss of public parking
- Concerns regarding flooding; existing infrastructure incapable of supporting development proposed
- Impacts on value of property; devaluation of property
- Negative impacts on health and environment; proposal to protect existing trees are unclear
- Inadequate services and facilities for example, schools, childcare facilities; no play facilities proposed
- Relocation of recycling centre and lack of information relating to same
- Procedural matters- location of public notices; SHD development; inaccuracies in plot ratio information

Other addresses in Clontarf/Other addresses not referred to above

- Height, density, scale, design and layout; inconsistent with character of the area
- Overbearing; overdevelopment; visual impacts
- Not consistent with Urban Design Manual
- Material contravention of Objective Z2 zoning objective
- BTR model; creation of transient population; no opportunity to buy property; not creating sustainable community; concerns regarding anti-social behaviour
- Residential amenity concerns- overlooking; overshadowing; impacts on privacy; noise pollution from balconies; devaluation of property
- Creation of wind tunnel and subsequent impacts on health and safety
- Negative impacts on biodiversity and ecology; boundary trees be considered for preservation; loss of mature trees; Tree Protection Plan is unclear; impact on North Bull Island UNESCO Biosphere; relocation of wildlife
- Works to public domain
- Flooding and drainage concerns
- Shortage of childcare places; school places
- Increased traffic; congestion and circulation concerns; car parking inadequacy; construction traffic; safety concerns; public transport capabilities
- SHD an inappropriate process

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 02nd November 2021. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposed development,

EIAR Screening, AA Screening and NIS, pre-application consultations, alterations to design, North Central Area Committee meeting, objections, planning history, opinion for other internal departments, External Reports, reports attached to application, zoning, context, planning assessment. A summary of representations received was outlined, together with a summary of comments from Area Committee Meeting.

Summary of Inter-Departmental Reports

Drainage Division:

No objections, subject to conditions

Transportation Planning Division:

Recommended conditions attached.

Parks, Biodiversity & Landscape Services

Object to this application due to the proposed loss of existing trees on site and biodiversity impact including impact on a protected species (badger). It is considered that as a result, the development proposed would be contrary to the zoning objective to protect and/or improve the amenities of residential conservation areas.

Recommended conditions attached, in the event of planning permission being granted for proposed development

Housing & Community Services:

Smith & Kennedy Architects on behalf of their client Savona Ltd. has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted.

Air Quality Monitoring and Noise Control Section:

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

City Archaeologist:

The documentation does not contain an archaeological report nor does it propose an archaeological mitigation strategy for the site. The site has potential for subsurface archaeological remains to survive within the footprint. The remains of 19th century

'Redcourt' house should be subject to an archaeological desktop assessment and considered for preservation by record prior to its permitted removal.

Condition attached in relation to predevelopment archaeological assessment, including archaeological testing.

Waste Regulation and Enforcement Unit:

Conditions attached

Assessment

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

The provision of residential development on the subject site is considered to be acceptable in principle. It is considered that the height of the proposal has not been adequately justified in the context of the criteria set out in the Urban Development and Building Heights Guidelines particularly with regard to high capacity public transport accessibility and BRE guidelines. In this context, a condition is proposed limiting the height of the proposal to five storeys. A five storey development should comply or substantially comply with Development Plan height standards and should help to address some of the daylight and sunlight issues.

Having regard to the nature and scale of the proposed development, the established pattern of development in the area, the relevant provisions of the current Dublin City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHPLG, 2020), it is considered that subject to appropriate conditions to address issues raised in this report, that the proposed development would be consistent with the provisions of these plans, and therefore be consistent with the proper planning and sustainable development of the area.

Recommended conditions attached.

- 8.3 The report includes a summary of the views of relevant Elected Members, as expressed at the North Central Area Committee meeting held via zoom due to Covid-19 restrictions on 08/10/2021 and are broadly summarised below:

- Excessive height, density and overdevelopment of the site in proposed development- out of character; visually dominant; impacts on St. Gabriel's village centre
- Design and Layout
- Residential amenity- overlooking; overshadowing; impacts on quality of life; noise from roof gardens
- Inadequate justification for contravention of Z2 zoning
- Flooding and drainage issues.
- Negative impact on biodiversity and on the nearby Bull Island which has been designated by UNESCO as a biosphere reserve; impacts on badgers; tree removal
- Build to rent model.
- Other matters: quality of photomontages; relocation of bring centre; lack of provision of childcare facility
- Considered that Chief Executive should recommend refusal of this application in its submission to An Bord Pleanála.

9.0 Prescribed Bodies

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

1. Irish Water
2. Dublin City Childcare Committee
3. The Heritage Council
4. An Taisce- the National Trust for Ireland
5. Department of Housing, Local Government and Heritage (Built Heritage and Nature Conservation
6. Irish Aviation Authority and Department of Defence
7. Dublin Airport Authority

In total, three prescribed bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Wastewater:

A connection from the development can be facilitated subject to flows (including any misconnections) being limited to 1.7l/s (2.5DWF).

Design Acceptance:

The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s), as reflected in the applicants Design Submission.

Recommended conditions attached

Irish Aviation Authority

In the event of planning consent being granted, the applicant/developer should be conditioned to notify the Authority of the intention to commence crane operations with at least 30 days prior notification of their erection.

Department of Housing, Local Government and Heritage

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

Archaeology

Noted that no archaeological assessment has been included in the planning documentation. Given the large-scale nature of the development and its location in an area of high archaeological potential, it is recommended that a condition pertaining to Pre-development Testing be included in any grant of planning permission that may issue.

Nature Conservation

Considers that the removal of the main badger sett on the development site (and any other setts which may be present) to facilitate the development proposed is justified and that it should not threaten the conservation status of this species.

Mitigation measures are set out in the NIS and the Preliminary Construction Environmental Management Plan supporting this application to avoid pollution arising on the development site and being transported by run off to the European sites. With the implementation of these measures it is predicted that any detrimental effects on European sites can be avoided.

The remote possibility of invasive plant species from the development site colonising European sites and causing detrimental effects to them is also considered in the NIS, but similarly it is predicted that the implementation of the measures set out in the Outline Invasive Species Plan supporting the present application should remove any possibility colonisation of European sites by invasive plants originating from the proposed development.

10.0 Oral Hearing Request

10.1 There was no oral hearing request in this instance.

11.0 Assessment

11.0.1 This assessment is divided into a Planning Assessment, an Appropriate Assessment Screening and an Environmental Impact Assessment Screening. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and observers in submissions to the Board, together with the Chief Executive Report, in response to the application.

11.0.2 There is an inevitable overlap between the assessments, with matters raised sometimes falling within more than one of the assessments. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

11.1 Planning Assessment

11.1.1 I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; relevant section 28 Ministerial guidelines; National Planning Framework; Dublin Metropolitan Area Strategic Plans; provisions of the Planning Acts, as amended and associated Regulations and the nearby designated sites. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of Development/Objective Z2 Zoning/SHD Process
- Proposed Build-to-Rent Units
- Design Approach/Density/Aspect/Open Space Provision/Permeability
- Unit Mix
- Building Height/Material Contravention
- Visual Amenity
- Impacts on Existing Residential Amenity
- Quality of Proposed Residential Development
- Traffic and Transportation
- Drainage and Flood Risk
- Other Matters

11.2 Principle of Development/Objective Z2 Zoning/SHD Process

Principle of Development

11.2.1 Having regard to the nature and scale of development proposed, namely an application for 131 residential units, located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

'Objective Z2' zoning objective/Core Strategy

- 11.2.2 I note the third party submissions received which contend that the proposal is not consistent with the zoning objective for the area and that the proposal materially contravenes the zoning objective for the site. This has been raised as a concern by the Elected Members, as contained in the Chief Executive Report. The planning authority have not expressed concerns in this regard.
- 11.2.3 The site is zoned 'Objective Z2: Residential Neighbourhood (Conservation Areas)' which seeks 'to protect and/or improve the amenities of residential conservation areas'. It is noted that 'residential' is a 'Permissible Uses' under the zoning matrix, as set out in section 14.8.12 of the operative City Development Plan.
- 11.2.4 I note that the site previously contained a 19th century, two-storey house and it is my assumption that the residential conservation zoning relates back to this time. It is stated in the documentation that the house was extensively damaged by fire in 2007 and has since been demolished. Presently, the site is vacant and overgrown.
- 11.2.5 I note section 11.1.5.4 'Architectural Conservation Areas and Conservation Areas' of the operative City Development Plan. I also note Policy CHC4 of the Plan which seeks 'to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible'. Specific enhancement opportunities are set out in the Plan and are noted, including that changes of use will be acceptable where, in compliance with the zoning objective, they make a positive contribution to the character, function and appearance of Conservation Areas and their settings. The Plan continues by stating that the Council will consider the contribution of existing uses to the special interest of an area when assessing change of use applications and will promote compatible uses which ensure future long-term viability. I note the Plan recognises that 'Architectural Conservation Areas and Conservation Areas have been designated in recognition of their special interest or unique historic and architectural character and important contribution to the heritage of the city. Designated Conservation Areas

include extensive groupings of buildings or streetscapes and associated open spaces and include (parts of) the medieval/walled city, the Georgian Core (in recognition of Dublin's international importance as a Georgian city), the 19th and 20th century city and the city quays, rivers and canals. The special interest/value of Conservation Areas lies in the historic and architectural interest and the design and scale of these areas. Therefore, all of these areas require special care in terms of development proposals and works by the private and public sector alike, which affect structures both protected and non-protected in these areas'.

11.2.6 In this instance, I note that the subject site is zoned as a residential conservation area, not an architectural conservation area. The building of significance that previously occupied the site has been demolished, the site is vacant and overgrown and all other lands in the immediate vicinity are zoned 'Objective Z1'. This is an isolated plot zoned 'Objective Z2' and it does not include for extensive groupings of buildings or streetscapes. There are no other Conservation Areas in the immediate vicinity of the site. It is stated in many of the third party submissions received that the site has been neglected for a number of years and has been the subject of anti-social behaviour and dumping. In my opinion, there is no unique, special interest/value or historic/architectural interest or character remaining on the site and I would question the appropriateness of this zoning in the present time. It is not making an important contribution to the heritage of the city nor does it make a positive contribution to the streetscape at this location. The report of the City Archaeologist is noted which does not recommend a refusal of permission; conditions are recommended in this regard. It may be case that it is an historical zoning that was not altered/updated when the Plan was previously under review. The planning authority are silent in relation to this matter. Notwithstanding this opinion, I must assess the proposal under the current zoning objective and I do not believe that the proposal materially contravenes this 'Objective Z2' zoning, given the particular circumstances pertaining to this site and its current condition. The current use adds little to the streetscape at this location and I am of the opinion that the proposal, will generally make a positive contribution to the character, function and appearance of the conservation area at this location. I am satisfied in this regard and consider the proposal to be generally consistent with the zoning objective and Policy CHC4 of the operative City Development Plan.

11.2.7 In addition to the zoning objective, I have also had regard to the Council's Core Strategy with respect to housing. The core strategy states that the policies and objectives of the Plan promote intensification and consolidation of the city which will be achieved in a variety of ways including the encouragement of development at higher densities especially in public transport catchments. It is further noted that the policies underpin the creation of a compact city with mixed-use environments, sustainable neighbourhoods and green infrastructure. Policy QH7 of the operative City Development Plan is noted which seeks 'To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area'. I am of the opinion that the principle of a development, which provides for the delivery of 131 units, underpins the principles of a compact city, with good public transport options and a range of services and amenities existing within this established area of the city. I am fully satisfied that the proposal is in compliance with the operative City Development Plan in this regard.

SHD Process

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

Conclusion

11.2.9 Having regard to all of the above, I am of the opinion that the proposal accords with the zoning objective for the site, together with predominate zoning objective for the area, with 'residential' use being a permissible use within the operative City Development Plan. Such lands can contribute towards the housing requirements of the city and I am satisfied in this regard.

11.3 Proposed Build-to-Rent Units

11.3.1 I highlight to the Board that the principle and quantum of proposed BTR units has been raised in many of the third party submissions received, including those received from Elected Members, and is one of the matters that has generated substantial local opposition. The planning authority has not raised concerns in relation to this matter.

Policy Context

11.3.2 The attention of the Board is drawn to the fact that this is a build-to-rent scheme. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on the build-to-rent (BTR) sector. It is noted that these guidelines have been recently updated in 2020. They define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. In this regard, a ‘Build to Rent Management Plan’ has been submitted with the application.

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

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

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

11.3.4 The statutory notices for the proposed residential development describe the scheme as build-to-rent. The proposal is accompanied by a proposed covenant or legal agreement, as required under SPPR 7(a). I am satisfied that details relating to a legal covenant/agreement could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

11.3.5 In terms of resident support facilities and resident services and amenities, I note that the proposal includes for the provision of dedicated resident's amenities and facilities area within the block facing Redcourt Oaks residential development. The proposed facilities include 131 no. storage lockers at basement level, gym at ground floor (133m²); a multi-purpose meeting/event room (126m²) and concierge/administration office (68.6m²). I am generally satisfied with the quantum and location of the proposed residential support facilities. I note that the planning authority have not raised concerns in this regard.

11.3.6 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. I note that the proposal does not accord with the provisions of the operative City Development Plan in terms of unit mix. I shall deal with this matter below in section 11.4. It is noted that some of third party submissions received raise concerns in relation to the proposed unit mix and a perceived lack of family friendly units. The planning

authority have not raised concern in relation to this matter. The matter will be dealt with further below.

- 11.3.7 Under SPPR 8, flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and in relation to the provision of all of the communal amenity space (as set out in Appendix 1 of aforementioned Apartment Guidelines), on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance does not seek relaxations in terms of private open space provision and all units are provided with private external space. Adequate storage to comply with the Apartment Guidelines is provided to all units, which includes for storage lockers for each unit at basement level.

Principle of Build-to-Rent Units

- 11.3.8 I highlight to the Board that the matter of the principle and quantum of build-to-rent units has been raised in many of the third party submissions received, including those received from Elected Members. There is concern with regards the lack of opportunity this proposed BTR development affords people to buy their own home on these lands. There are concerns expressed regarding the principle of such a BTR development within an area which is primarily comprised of owner-occupied properties and the impacts this will have on property values. There are also concerns regarding possible anti-social behaviour. The planning authority has not raised concerns in this regard.
- 11.3.9 At the outset, I fully acknowledge the aforementioned national policy guidance with regards to the provision of BTR development and the need for same in certain areas, catering to those at different stages of the lifecycle; those where home ownership may not be a priority and those who have a preference/need for smaller units. Such build-to-rent units offer choice and flexibility to people and can provide viable long-term housing solutions. The Apartment Guidelines acknowledge that such schemes are larger-scale apartment developments that typically include several hundred units. I also note Policy QH17 of the operative City Dublin City Development Plan, which seeks to support the provision of purpose-built, managed high-quality private rented accommodation with a long-term horizon.

11.3.10 Having regard to the location of the site close to the city centre, within an established area beside good public transport facilities, I am satisfied that the principle of a build-to-rent scheme is suitable and justifiable at this location. Some of the submissions received stated that such build-to-rent developments should be close to employment bases or in suburban areas close to industrial lands and that the subject site was not located proximate to such employment bases. I would not agree with this assertion. The proposed development is located within an established inner suburban area of the city, close to a host of employment bases, together with educational, sporting, cultural and commercial facilities. It is also within close proximity of Dublin city centre, East Point and the northern docklands area. I am satisfied that this is an appropriate location for such a BTR development.

11.3.11 I note Policy QH6 and SN1 of the operative City Development Plan in this instance. Policy QH6 seeks to encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city. Policy SN1 seeks to promote good urban neighbourhoods throughout the city which are well designed, safe and suitable for a variety of age groups and tenures, which are robust, adaptable, well served by local facilities and public transport, and which contribute to the structure and identity of the city, consistent with standards set out in this plan. These policies are considered reasonable and I am of the opinion that the proposal is generally consistent with them. The proposal will provide a balance to existing development, namely it will provide good quality rental units catering to individuals and two-person households in the main, within an area which has traditionally been well served with larger family, owner-occupied homes. Taken in conjunction with existing development in the area, the proposal will contribute to this attractive mixed-use sustainable neighbourhood by providing a development that is well-designed, safe and adaptable, in an area which is well served with local facilities and public transport. The proposal will contribute positively to this established urban neighbourhood. The quality of the public realm is an attractive feature of the proposed scheme. The proposal will add to the variety of housing types within the area. The local character of the site has been taken into consideration in the design rationale. I am generally satisfied in this regard.

11.3.12 There is an acknowledged demand for housing in many sectors of society, with all sectors having varying needs and requirements. This proposed BTR scheme provides accommodation for one of those sectors, namely those where home ownership may not be a priority and/or for those who need/desire a smaller unit. It is providing this type of accommodation in an area which has traditionally been well served with larger, owner-occupied, family homes. I am satisfied that quality accommodation is being provided for in this instance. I have considered the concerns raised in the submissions received in relation to the lack of community and creation of transient population. I don't agree that the proposal will necessarily attract a transient population and no evidence has been put forward in the submissions to validate these claims. If the Board is granting permission for the proposed development, a condition should be attached to any such grant to reflect that this is a build-to-rent scheme, available for long-term rentals only.

Conclusion

11.3.13 To conclude this matter, I note the established nature of this area and the fact that the overwhelming majority of homes in the area are large, owner-occupied properties. A quality rental scheme, such as that proposed, would provide options for those where home ownership may not be a priority. Importantly current Government policy in relation to BTR units is noted, as set out in the recently updated Apartment Guidelines (2020). The locational context of the site is noted. Having regard to all of the above, I consider that the principle of BTR on this inner suburban site is acceptable as it is consistent with policies and intended outcomes of current Government policy.

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

Context

11.4.1 With respect to design and layout, a substantial number of documents accompany the application including an Architectural Design Statement, photomontages, Universal Design Statement, together with detailed drawings for each block. A Housing Quality Statement provides details about individual apartments. A coherent design strategy has been put forward for the subject site.

- 11.4.2 The lands are located on the northern side of Seafield Road East, approximately 280m west of the Clontarf Road junction and 760m east of Vernon Avenue. The site is bound to the north by Dollymount Park, to the east by St Gabriel's Road, to the south by Seafield Road East and to the west by Redcourt Oaks, a three-storey residential development. The existing vehicular access is onto Seafield Road East at the junction of St Gabriel's Road and Seafield Road East. The proposal includes for the removal of this existing vehicular entrance.
- 11.4.3 An 1800s period house on the site was destroyed by fire in 2007 and has since been demolished.
- 11.4.4 The site has many mature trees along its boundary (within the red line boundary), which contribute to the local suburban sylvan character.

Design Approach

- 11.4.5 The proposal involves the construction of a residential development, which includes for 131 residential apartments and associated site development works. Tenant amenity facilities for future residents are provided for. The proposal is to be accommodated in four no. blocks- five to six storeys in height. These four blocks form a perimeter development enclosing a courtyard space. The maximum parapet height is stated as being 18.1 metres (exclusive of ETFE roof). Basement parking is proposed.
- 11.4.6 A feature of the proposed scheme is an enclosed landscape communal open space between the blocks, which would involve the roofing of the area between the four building blocks with an ETFE (Ethylene tetrafluoroethylene) roof. Public open space is proposed along the eastern side of the site (stated 10% of site area). Private open space is provided to all units.
- 11.4.7 Vehicular access is proposed to the basement car park from Dollymount Park to the north. Pedestrian access is proposed from Dollymount Park, St Gabriel's Road and Seafield Road East. The proposal also includes for, inter alia, works to the adjoining public roads including provision of a widened pedestrian footways, junction upgrade works, provision of pedestrian crossings, pelican crossings, delineation of 16 on-street parking spaces and relocation of existing on-street bring centre.
- 11.4.8 The operative City Development Plan sets an indicative plot ratio standard of 0.5 – 2.0 and site coverage standards of 45-60% on Z2 zoned lands. The proposed

scheme has a plot ratio of 1.55 and a stated site coverage of 30.9%. The planning authority has not raised concern in this regard. Some of the third party submissions received note that that some of the supporting documents accompanying the application state that 45% of the site area is to remain in an undeveloped green-field state. It is then inferred that the site coverage is greater than 30.9%. This is noted. Even if the site coverage were 55%, this figure meets the requirements of the City Development Plan in this regard. I am of the opinion that given its location, the lands could be described as an underutilised plot. I consider the plot ratio and site coverage to be acceptable in this instance, in compliance with Development Plan policy.

11.4.9 The planning authority have not raised concerns in relation to the design approach proposed, although they have expressed concerns in relation to the overall height proposed and daylight/sunlight to proposed units (this is dealt with in the following sections). I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. The proposal will bring a new population into the area, will provide accessible public open space and will result in pedestrian upgrade works for the wider community, all of which will be a positive for the local community.

Density

11.4.10 A number of the third party submissions received, including those of the Elected Members, raise concern with regards the density proposed and consider that the proposal represents overdevelopment of the site and is out of character with existing development in the vicinity. The planning authority state that they promote sustainable residential densities, particularly along public transport corridors, which will enhance the urban form and spatial structure of the city, in accordance with the standards and guidance of national and local policy. I note that the operative Dublin City Development Plan sets no actual upper unit density limit for any zoned lands, including Z2, with each proposal assessed on its own merits.

11.4.11 Density at approximately 184 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. The site is considered to be located in a central and accessible location, in accordance with the 'Sustainable Urban Housing: Design Standards for New Apartments (2020). The

provision of high-density residential development on the site is considered to be in accordance with the zoning objectives pertaining to the site. The proposal is also considered to be in compliance with Policy QH7 of the operative City Development Plan, which seeks 'To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area'.

11.4.12 I note the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009), in particular section 5 of these aforementioned Guidelines, which relates to appropriate locations for increased densities. Having regard to the above, I am satisfied that the proposed development is in accordance with section 5.7 of the aforementioned 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) in relation to brownfield sites, section 5.8 in relation to public transport corridors and section 5.9 in relation to inner suburban/infill development.

11.4.13 One of the third party submissions received questions the density figure put forward and contends that the area of open space along the eastern and southern boundaries of the site should be omitted from the density calculations, as they constitute significant landscape buffer strips as per Appendix A of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009). While I acknowledge that the area of open space along the eastern boundary aids in increasing the separation distances from Redcourt Oaks development and similar could be stated for the open space along the southern boundary, I do not consider them to be significant landscape buffers. They form part of the public open space provision associated with the proposed development. Using that rationale, any area of public open space put forward in such developments would be excluded from density calculations and I do not consider this to be appropriate. In any event, the omission of this area for the purposes of density calculations would give a figure of approximately 230 units/ha, which I would consider acceptable at this location.

11.4.14 I am of the opinion that given its zoning, the delivery of a residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with the zoning objective for the site and with the policies and intended outcomes of current Government policy, including the National

Planning Framework, which seeks to increase densities in suitable locations. The site is considered to be located in a central and accessible location, proximate to good public transport, within an established area of the city. I therefore consider the proposed density to be acceptable.

Aspect

11.4.15 SPPR 4 of the aforementioned Sustainable Urban Housing Guidelines (2020) deals with the minimum number of dual aspect apartments that may be provided within any single apartment scheme and states that a minimum of 33% dual aspect units will be required in more central and accessible urban locations. I would consider this to be one such area, within an inner suburban location close to good public transport links and employment bases. The matter of aspect has been dealt with in the submitted Statement of Consistency and Architectural Design Statements. The proposed development includes a stated 87.8% dual aspect units (115 units). This includes all three bedroom units. All single aspect units (studio apartments) are south facing and face onto the development exclusion zone.

11.4.16 The planning authority have not raised concern in this regard.

11.4.17 I am satisfied with the quantum of dual aspect units proposed, which is well in excess of minimum standards. The proposal, if permitted would provide a good quality of residential amenity to any future occupiers. (Note the matter of residential amenity is dealt with below). I note SPPR4 of the aforementioned Apartment Guidelines in this regard and consider the proposal to be in compliance with same.

Open Space Provision

11.4.18 Many of the third party submissions received have raised concerns in relation to this aspect of the proposal, in particular the roofing of the communal open space and the lack of play facilities within the proposal. It is noted that play facilities are proposed within the communal open space area for residents of the proposed scheme. The planning authority state that further details of play provision are required. This matter could be dealt with by means of condition if the Board are disposed towards a grant of permission.

11.4.19 The application site consists of a now demolished period house and its gardens. The gardens contain a significant and prominent group of mature trees that contribute to the local suburban sylvan character and includes original planting

dating back to the 1800s. The site is vacant at the present time. Existing accessible public open space is situated to the south along the Clontarf Promenade (approx. 260m) and to the north at St Anne’s Park (approx. 750m).

11.4.20 The planning authority in their submission do not raise concern in relation to the matter of open space provision, subject to conditions. The Parks Division recommend refusal of permission due to the extent of tree removal proposed and biodiversity impacts and consider that as a result, the proposal would be contrary to the zoning objective. I note that the planning authority, in the Chief Executive Report, do not recommend refusal of permission in this regard. Matters relating to tree removal and biodiversity are dealt with below.

Context

11.4.21 It is noted that a Landscape Design Rationale and an Arboricultural Assessment (which includes for a Tree Constraints Plan and Tree Protection Plan) were submitted with the application documentation, together with landscape drawings.

11.4.22 Public open space is proposed along the eastern boundary of the site and a badger mitigation area/tree conservation area is proposed along the southern perimeter along Seafield Road East. Communal open space is proposed within a courtyard area, together with a roof terrace at fifth floor level. I shall deal with the matter of wildlife and biodiversity in following sections.

Public Open Space

11.4.23 The Development Plan sets out requirements in relation to public open space in new residential schemes, namely a requirement for 10% of the site area ((or a payment in lieu if usable space cannot be provided on site). The following is noted:

Table 6:

Site Development Area	Required POS (10%)	Proposed POS
0.7116 ha (7116m ²)	712m ²	1,462m ² (20% of development area)

11.4.24 It is clear from the above, that the proposed development exceeds the Development Plan requirements in terms of quantum of public open space provision. A good quality space is proposed and the proposed area contains some of the oldest trees

on the site. This will present as a simple woodland walk. It is generally considered acceptable to the Parks Division of the planning authority. The planning authority state that it is unlikely that this open space will be taken in charge and subject to a grant of permission a condition safeguarding public use and access will be required. This matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. The planning authority have not raised concern in this regard.

Communal Open Space

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

Table 7:

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

11.4.26 Communal open space is proposed as follows:

Table 8:

	No.	Area Required (m ²)	Area Provided (m ²)
Studio	16	64	
One-bed	34	170	
Two-bed (4 person)	73	511	
Three-bed	8	72	
Total	131	817	

11.4.27 Communal open space is proposed in the covered courtyard area and a fifth floor roof terrace. The courtyard is proposed to be covered with an ETFE roof. The planning authority state that the proposal would comfortably meet the required

standards for communal open space. The proposed development exceeds the quantum of communal open space required under the operative City Development Plan. Overall, I am satisfied with the quantum and quality of communal open space provided and am of the opinion that the public and communal open space is such that it will be an attractive place for future residents to reside. Communal open space provision is additional to the proposed internal tenant amenity spaces.

ETFE Roof

11.4.28 The proposal includes for the provision of an ETFE roof, which will substantially cover the area of communal open space between the proposed blocks. This is an air-inflated membrane cushion system suspended on a light weight steel structure above the roof parapet line for the purpose of preventing the ingress of precipitation only (it has been described in the documentation as effectively an umbrella suspended over the courtyard). The proposed roof will not fully enclose the space, it will allow for free movement of air. Its construction is such that layers of ETFE are continually filled with air from a simple pneumatic system (pump) to create pillow-like cushions that provide thermal insulation and structural stability against wind or snow loads. The rationale for covering the space is to allow for usable outdoor space, including deck access on all levels to be available to all residents throughout the year.

11.4.29 Concerns have been raised in many of the third party submissions received in relation to this element of the proposal, in particular visual impacts, its perceived experimental nature, noise and quality of space for future residents. In addition, environmental concerns were raised, for example impacts on birds and its appropriateness at this location, in proximity to the sea. The planning authority while noting this element of the proposal, state that as the roof is 85% translucent, it will result in some loss of natural sunlight to the indicated communal open space. The roofing would result in what was a four building perimeter block becoming one structure. The Parks Division of the planning authority recommend that rainfall from the roof should be re-used to irrigate the enclosed landscape planting.

11.4.30 A report has been submitted as part of the application documentation 'Review of Proposed ETFE Roof'. The matter is also addressed within the submitted Architectural Design Statement and Planning Report. The proposed roof is shown

on the submitted drawings, including photomontages/CGIs. I refer the Board to section 3 of the submitted Architectural Design Statement for details relating to the ETFE roofing system (page 38). An example of its use is the Eden Project in Cornwall, UK. It was used in this project because of its ability to reliably regulate environmental conditions within the building, with the structure used to house climate-specific flora. Other examples of its use include the Allianz Arena, Munich and the National Aquatics Centre (Watercube), Beijing. Its use was selected for the latter project due to its acoustic properties. A number of other examples have been put forward on pages 61 and 62 of the submitted Architectural Design Statement and I refer the Board to same.

- 11.4.31 The ETFE system cushions have a partial print pattern applied to their top and bottom surfaces to provide shading. This will optimise climate control while still retaining transparency. As a result, the overall effect allows 85% light transmittance into the central courtyard space while reducing solar gain (temperature) through shading. This level of transmittance has been factored into the daylight analysis.
- 11.4.32 In terms of noise, the submitted report notes that there are no statutory noise limits in relation to acceptable levels of rain noise in courtyard spaces such as the one under consideration here. The applicants have modelled the internal courtyard space to determine its acoustic performance with respect residential comfort under different conditions, including both ambient and heavy rain. In terms of design, the applicants examined the proposal under 'Heavy' rain conditions, and note that an expected occurrence of a 'Heavy' rain event is 1 in 40 years. Comment is also offered on conditions during more regular 'Intense' rain events and matters of reverberation/ room acoustics. The report shows that the internal courtyard is an acoustically comfortable environment and that even during infrequent heavy rain events, where there is an amplification of sound through the ETFE system membrane cushions, the highest dB levels reached still fall within an acceptable range. It is stated that the room acoustics of the 'open' and 'covered' spaces are considered to be comparable. It is also noted that the amenity areas associated with the space are located on the ground floor of the courtyard space. The layout of the proposal is such that the upper floors, where the noise would be anticipated to be louder, comprise transitory areas such as decks and landings giving access to the main apartment spaces.

11.4.33 In terms of air circulation, it is stated that in summer-time, warming air within the courtyard rises and is drawn out below the suspended ETFE canopy on all four sides as cool air is drawn in through various openings at ground and lower levels. Air moving over the roof creates differential pressure zones which further draws air out from within the courtyard. In winter-time, the issue of solar glare does not exist and cooler ambient air temperatures are more likely to carry into the courtyard. In terms of odours, the courtyard space is well ventilated with all gaseous odours quickly dissipating below the suspended ETFE canopy or where heavier than air, through the various low level (ground floor) openings.

11.4.34 In terms of maintenance, ETFE have a low friction co-efficient that prevents dust or dirt sticking to its surface.

11.4.35 The applicants state that the covered courtyard will be a unique type of communal open space in Ireland, will be an attractive space to be in and possibly an attraction in itself. I would not disagree with this assertion. This roofing type has been used successfully in many projects throughout the world and I am of the opinion that it is an innovative solution to the use of outdoor open space within the Irish climate. I note the layout of the proposed units, together with the fact that the overwhelming majority are dual aspect and I am of the opinion that any impacts on daylight from the covering of the communal courtyard would be far outweighed by the benefits it would offer. I have no information before me to believe that the proposed roof would have any impacts on birds. If the Board is disposed towards a grant of permission, the matter of proposed planting and appropriate species for such a space should be agreed with the planning authority, prior to the commencement of the proposed development. This matter could be adequately dealt with by means of condition. I am satisfied in this regard and consider that, given the build-to-rent nature of the proposed development, this roofing system would be a quality offering to the proposed scheme. The impacts of the proposed lightweight roof on the visual amenity of the area would not be so great as to warrant a refusal of permission. If the Board are not in agreement, the proposed ETFE roofing system and associated frame could be adequately omitted by means of condition.

Private Open Space

11.4.36 Private open space is provided to all proposed units within the scheme in the form of terraces/balconies, which meet or exceed minimum standards set out in Appendix 1 of the aforementioned Apartment Guidelines. Ground floor duplex units have both front private spaces within the courtyard and private gardens within landscaped areas. All balconies adjoin and have a functional relationship with the main living areas of the apartment. This is welcomed. In addition, all apartments have access to a range of communal facilities and amenities. The planning authority recommend some enhanced buffer measures between the ground floor private open space and other communal areas. This matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission. The BTR nature of the proposed development is noted and I refer the Board to SPPR 8(ii) of the aforementioned Apartment Guidelines in this regard which allows for flexibility in the provision of private open space amenity. Such flexibility in relation to private open space is not being availed of in this instance, which is welcomed. A good quality of residential amenity is proposed in this regard.

Permeability

11.4.37 Permeability and connectivity through the site is provided by a pedestrian axis running north-south through the public open space from Dollymount Park to Seafield Road East. This is welcomed and will be a planning gain to the wider community.

Conclusion

11.4.38 To conclude this section, I am satisfied with the design approach proposed and consider that the proposal will provide for a quality scheme at this location, without detriment to the residential or visual amenities of the area. I am also satisfied with the density proposed, given the locational context of the site and current Government policy in this regard. The number of dual aspect units is welcomed. In terms of open space provision, a high quality proposal has been put forward in terms of public and communal open space provision and I am satisfied with the access arrangements set out. I welcome that all units have access to private open space provision, given the BTR nature of the scheme. I am generally satisfied that the proposed development, if permitted would be an attractive place in which to reside

and would offer planning gain to the wider public by virtue of the public open space provision and increased permeability through the site.

11.5 Unit Mix

11.5.1 Many of the third party submissions received have raised concerns with regard the proposed unit mix, in particular the extent of one-bed and studio units, which they consider could lead to a more transient population within the area; which would not facilitate in the creation of sustainable communities and would not be suitable for the accommodation of families. Many of the Elected Members have also raised concerns in this regard. The planning authority has not raised concern in this regard.

11.5.2 The proposed unit mix is as follows:

Table 5:

	Studio	1 bed	2 bed	3 bed	Total
Apartments	16	34	73*	8	131
As % of total	12%	26%	56%	6%	100%

*includes for 21 duplex units

11.5.3 I note that studio and one-bed units comprise 38% of the proposed residential mix with 6% of the proposal being three-bed units.

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

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

11.5.5 When examined in isolation, the percentage of one-bed units is in compliance with this aforementioned Development Plan standard, accounting for 26% of the unit numbers. However, when combined with the studio units (which also contain one-bed), the figure of 38% is noted. This figure is marginally in excess of the 25%-30% standard for one-bed units, as set out in operative City Development Plan.

Furthermore, I refer the Board to the percentage of proposed three-bed units. The

standard set out in the operative City Development Plan seeks 15% three-bed units in any such development, the current proposal includes for 6%.

- 11.5.6 The applicants do not address this matter within the submitted Material Contravention Statement. I note that the planning authority have not addressed the matter of unit mix within their assessment. I note the non-compliance with this standard of the operative City Development Plan. However, I do not consider this to be a material contravention of the Plan. I highlight to the Board that this non-compliance is with a standard of the operative City Development Plan, not a policy of this Plan. I have examined the provisions of section 16.10.1 of the operative City Plan and consider these to be standards.
- 11.5.7 I note Policy QH1 of the operative City Development Plan which seeks ‘to have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009)’.
- 11.5.8 This policy seeks to have regard to these aforementioned guidelines (my emphasis). It is noted that since the adoption of the Dublin City Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments (2015) have been updated (December 2020). I note that the planning authority in their Chief Executive Report continually refer to the updated 2020 guidelines. One of the main differences between the two guidance documents relates to, inter alia, build to rent developments and associated “Specific Planning Policy Requirements” (SPPRs). The ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) contains SPPRs in relation to build-to rent developments, namely SPPR7 and SPPR8. Specifically, in relation to dwelling mix requirements for build-to-rent developments, I note SPPR8 (i), which I acknowledge takes precedence over any conflicting policies and objectives of Development Plans. SPPR8 (i) of the Apartment Guidelines (2020) states that no restrictions on dwelling

mix and all other requirements of these Guidelines shall apply, unless specified otherwise. It is noted that such SPPRs, which allow for flexibility in relation to build-to-rent developments, were not included in the 2015 guidelines. However, this form of housing tenure was included for in the City Development Plan.

11.5.9 I consider it reasonable to apply the updated section 28 guidance in this regard, which allows for flexibility in relation to build-to-rent developments in terms of unit mix. I note that the City Development Plan continually cross references national guidance while the Chief Executive Report regularly applies both its own standards and current national guidelines. I note that where guidelines have been updated since the Plan was adopted, the planning authority reference current guidance. This is the case in relation to this current proposal whereby the planning authority references current guidance in the Chief Executive Report, as opposed to outdated guidance, referred to in the operative City Development Plan. This is considered to be a reasonable approach.

11.5.10 As stated elsewhere within my assessment, I consider the proposed development to be broadly in compliance with both the operative City Development Plan and national guidance. While there is some non-compliance with City Development Plan standards in terms of unit mix, I do not consider this to be material in nature. The proposal is in compliance with SPPR8(i) of the aforementioned Apartment Guidelines (December 2020). I note that the operative City Development Plan allows for some relaxations/flexibility in terms of unit mix in certain circumstances including for BTR schemes and I refer the Board to section 16.10.1 in this regard. In particular, I note the following (as contained in section 16.10.1): 'The above mix of unit types will not apply to managed 'build-to-let' apartment schemes for mobile workers where up to 42-50% of the total units may be in the form of one-bed or studio units. Communal facilities such as common rooms, gyms, laundry rooms etc. will be encouraged within such developments. This provision only applies to long-term purpose-built managed schemes of over 50 units, developed under the 'build-to-let' model and located within 500 m (walking distance) of centres of employment or adjoining major employment sites. Centres of employment are identified in Fig W Housing Strategy Appendix 2A'.

11.5.11 In this instance, I acknowledge at the outset that the subject site is not located within one of the identified areas in Figure W, although it is closest to North Dock B and C. Notwithstanding this, I note that this is a build-to-rent scheme, catering to amongst others, mobile workers. The percentage of studio and one-bed units is less than the 42%-50% threshold. Quality communal facilities are proposed for future residents. The proposed development is a long-term, purpose-built managed scheme of over 50 units (131 residential units in total). It is being developed under the BTR model and this has been advertised in the public notices. While it may not be within 500m of an area specifically designated within Figure W cited above, as I have noted elsewhere within my assessment, it is close to centres of employment and major employment sites, including the docklands area, East Point and the city centre. It is proximate to good public transport facilities and good cycle and pedestrian connectivity. The site is located within an established area of the city, proximate to numerous employment, educational, cultural, ecclesiastical and recreational uses.

11.5.12 Having regard to all of the above, I consider that the proposed unit mix is acceptable in this instance given the locational context of the site, the established nature of the area where larger properties predominate, together with national guidance in this regard. I fully acknowledge changing household sizes. As stated in the National Planning Framework, seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. The proposed development will add greatly to the availability of studio and one bedroom apartments in an area of the city characterised by conventional housing stock comprising three and four bedroom houses. I have no information before me to believe that the mix of units would lead to the creation of a transient or unsustainable community. While the unit mix may exceed a standard in the operative City Development Plan, I do not consider that this constitutes a material contravention of the Plan. The proposal broadly complies with section 16.10.1 of the Plan and meets the standards of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). I am satisfied in this regard.

11.6 Building Height/Material Contravention

Building Height

- 11.6.1 I have considered the third party submissions received, almost all of which raise concerns with regards the height of the proposed development and its impacts at this location. The Elected Members, as contained in the Chief Executive Report, also raise concerns with regards a justification for the height proposed. Many of the submissions received state that the proposed height is such that it would dominate existing buildings in the locality and would be out of character with the existing area. The planning authority state that they do not consider that the applicant has demonstrated that the site is an appropriate location for buildings which exceed the maximum building heights as set out in the Dublin City Development Plan 2016-2022, given its distance to high capacity public transportation, together with concerns relating to daylight/sunlight to the adjoining Redcourt Oaks residential development.
- 11.6.2 The proposal seeks to introduce four buildings of 5-6 storeys in a predominately low rise setting. The proposed block fronting onto Seafield Road East is five storeys in height, the remaining three blocks are all six storeys in height. The height of St. Gabriel's Church opposite is noted. The previously permitted height of five storeys on the site is also noted (PL29N.222951). The maximum height proposed is 6 storeys (just in excess of 18 metres exclusive of EFTE roof) and it is classified as a mid-rise building under the definition of the Dublin City Development Plan (defined as buildings less than 50m in height). Low rise development is classified as being up to 16m (residential) in Outer City areas and up to 24m in inner city areas. The subject site is not located within the inner city but I do consider it to be an inner suburban area. The maximum height permissible therefore under Development Plan standards on this site is up to 16 metres.
- 11.6.3 It is noted that the height and massing of the proposed buildings has been addressed in the submitted Architectural Design Statement. The Board is referred to section 2.4 of the Architectural Design Statement for a visualisation of heights proposed, relative to those existing in the immediate vicinity. A number of visualisations and photomontages have been submitted with the application documentation. The applicant has submitted a Material Contravention Statement

with respect to the heights proposed and the application has been described in the public notices as a material contravention of the operative City Development Plan.

- 11.6.4 Section 16.7 of the operative Dublin City Development Plan deals with the issue of building height and acknowledges the intrinsic quality of Dublin as a low-rise city. There is also a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic, civic or historic importance. The 'Objective Z2' zoning of the site is again noted. Section 16.7.2 identifies building heights for the city specifically refers to height limits for low-rise, mid-rise and taller development. The Building Height in Dublin Context Map (Chapter 16, Fig. 39) identifies four locations across the city suitable for buildings of 50m+. Areas are also identified for Medium Rise (max. 50m). The subject site is not identified for either High Rise or Medium Rise development within this context map.
- 11.6.5 It is noted that all blocks exceed the 16m cap for outer city areas. The maximum building height proposed is stated as being 18.1 metres. This height does not include for the additional height associated with the EFTE roof. See Table 3 above. Examining the proposal before me, while I note that while the proposed blocks contravene the City Development Plan in terms of height, being slightly in excess of the 16 metre cap (by 0.7-2.1 metres), I would question if they 'materially contravene' the operative City Development Plan in this regard (stated heights of 17.42m, 17.8m and 16.7m). However, I acknowledge the height of the apex of the ETFE roof increases these heights, over and above those stated. Taken in conjunction with the height of the apex of the proposed ETFE roof, I consider that the proposal may be considered to materially contravene the operative City Development Plan in this regard. As the development exceeds the height explicitly stated in the Plan for such areas, I will address all blocks in excess of 16m, including the ETFE roof, as a material contravention, see following section below. This is also the approach taken by the applicants within the submitted Material Contravention Statement. This material contravention is objected to in many of the third party submissions received. The planning authority have not specifically addressed the matter of material contravention in relation to building height. They have assessed the proposed height in the context of the Urban Development and Building Height Guidelines and have raised concern with regards the six storey elements.

11.6.6 The operative City Development Plan states that in all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in Section 16.7 of the Plan. I have had regard to section 16.7 of the operative City Development Plan in assessing this proposal. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. It is acknowledged that the operative City Development Plan Height Guidelines have been superseded by the Urban Building Height Guidelines.

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

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

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

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

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

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

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

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

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

- Locational context of the site, being within 5km of Dublin city centre and within the established inner suburb of Clontarf.
- Site is relatively well served by public transport with the nearest bus stops being within 500m (360m and 390m as measured from the main pedestrian access to the development at the SE corner of the site). From the city centre, national rail and bus links can be easily accessed. There is good pedestrian and cycle connectivity within the wider area.
- A Landscape Impact Assessment was submitted with the application documentation. I am satisfied that there will not be an unacceptable impact in this regard.
- The proposed buildings will not be unduly visible when viewed from the wider area

- The heights proposed respond well to the existing surrounding land uses. The five-storey block fronts onto Seafield Road East where some single storey properties are evident.
- Proposal will introduce new height, architectural expression and layouts into this established area and will establish its own character. I am satisfied that the development proposal would successfully integrate into and enhance the character of the area.
- The proposed development will make a positive contribution to place-making by virtue of new public spaces and the opening up of the site. The area of public open space will make a positive contribution to the natural environment of the wider area while the proposed works to the public realm will also be a positive for the wider community

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

- The architectural standard proposed, in terms of architectural expression and materiality, is such that that it provides a good response to the overall environment and makes a positive contribution to the urban neighbourhood and streetscape at this location
- The proposal is not monolithic in nature
- The proposal will contribute to the vitality of the area
- Improved permeability and legibility through the site will be a benefit for the wider community. Permeability is currently limited by the defensive nature of the site.
- The proposed public realm improvements and public open space provision (20% of site area) will be a positive for the wider community.
- Car parking is mainly within the basement providing a pedestrian friendly and safe area.

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

- Microclimate reports submitted demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.

- Adequate separation distances are proposed between buildings.
- The proposal will provide a good urban design solution for the site. Site specific impact assessments, included with the application, have been referred to throughout my report and I am generally satisfied in this regard.

Specific Assessments

- AA Screening and NIS concludes that the possibility may be excluded that the development will have a significant effect on any European sites.
- Badger Mitigation Plan which seeks minimisation of disturbance to badger and any requirements for long-term management
- Outline Invasive Species Management Plan presents options for the management and treatment of invasive plant species on the proposed development site.
- Site Specific Flood Risk Assessment concludes that that the risk of flooding on the proposed development site is minimal.

11.6.9 The design rationale is considered acceptable in principle at this location and I consider that the proposal does not represent over-development of the site. I am of the opinion that the heights proposed are appropriate, given its locational context and the pattern of development within the wider area. I note the maximum heights previously permitted on the site and the height of St. Gabriel's church. It has been acknowledged in both the operative City Development Plan and within section 28 guidelines, that although low rise in nature, certain areas of the city have the capacity to accommodate buildings of greater height. While this site has not been specifically identified, I note national guidance in this regard. Due to its locational context, I am of the opinion that it has the capacity to accommodate the heights proposed without undue detriment to the character or setting of the city skyline. Elements of the proposal will be visible from various vantage points. I don't consider this to be a negative. It will be visible primarily within the local context. Its height is such that it will not be unduly visible from the wider area. The proposal will not negatively impact on protected views within the city to such an extent as to warrant a refusal of permission. I am generally satisfied that the proposal before me puts forward a quality architectural response to the site and its specific characteristics.

11.6.10 With regards the issue of precedent, I am aware that a grant of permission for this development may be cited as precedent for developments of similar height within the wider area. I am however cognisant of the policy with the operative City Development Plan, together with national guidance in this regard. While I consider that this subject site may have capacity for the heights proposed, given its locational and site context, I am of the opinion that every site within the city area does not have such capacity and that a grant of permission on this subject site does not set precedent for taller buildings on other sites in the vicinity. Every application is assessed on its own merits and the Urban Development and Building Height Guidelines (2018) give detailed guidance as to what sites may be considered as being appropriate for such higher elements.

11.6.11 I note the Irish Aviation Authority have not raised concerns with regards the height of the proposed development. They recommend a condition be attached to any grant of permission in relation to the notification of the IAA of the intention to commence crane operations, at least 30 days prior to their erection. This matter could be adequately dealt with by means of condition if the Board are disposed towards a grant of permission.

Material Contravention in relation to Building Height

11.6.12 The attention of the Board is drawn to the fact that a Material Contravention Statement has been submitted with the application and the applicants have advertised same within their public notices, as required under the legislation. This Statement deals with the issue of height.

11.6.13 In terms of building height and as outlined above, the City Development Plan Height Strategy identifies a building height cap of 16m for residential development within Outer City areas. The subject site is one such site and a 16m cap applies. The maximum building height proposed in this current application is in excess of 18m. This figure is increased when the height of the ETFE roof is included. It is noted however, that most of the exceedances of the 16m limit are marginal, generally 1-2 metres above the cap.

11.6.14 The applicants refer to 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)', the 'National Planning Framework 2040 (February 2018)' and the 'Urban Development & Building Height Guidelines

(2018) in support of their justification for a material contravention of the Dublin City Development Plan due to the location of the subject site adjacent to quality public transport corridors and the policies and objectives set out within the Section 28 Guidelines. The subject site is located within 500 metres walking distance of bus stops on the 130 route.

11.6.15 In this instance, I also note SPPR1 of these guidelines which states, inter alia, that planning authorities shall not provide for blanket numerical limitations on building height. I acknowledge that the operative City Development Plan was published prior to the publication of these Guidelines. I am of the opinion that this particular area can accommodate the increased height proposed and should not be subject to a 'blanket numerical limitation'. The design proposed has taken full account of its setting with the taller blocks located in appropriate locations. I acknowledge that the number of units proposed will assist in achieving national policy objectives for significantly increased housing delivery in an urban area with substantial amenities, in an area with adequate public transport accessibility. It is therefore considered that the subject site can accommodate increased heights over those prescribed in the Development Plan.

11.6.16 Having regard to my assessment above which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3(A)(1) and having regard to SPPR 3(A)(2) of the Building Height Guidelines with respect to wider strategic and national policy parameters as referenced throughout this report, I am satisfied that the criteria have been complied with.

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

11.6.18 I do not consider there to be conflicting objectives in the development plan or objectives are not clearly stated and therefore, contrary to the conclusion contained

in the submitted Material Contravention Statement, I am of the opinion that a grant of permission would not be justified in the regard in terms of section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended.

11.6.19 However, I am of the opinion that a grant of permission that would materially contravene section 16.7.2 of the Dublin City Development Plan 2016-2022, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, on the following basis.

11.6.20 In relation to section 37(2)(b)(i), I note that the current application, which is for 131 build-to-rent residential units, has been lodged under the strategic housing legislation and is considered to be strategic in nature. I also note that the subject site is located on lands zoned 'Objective Z2' on which residential development is permissible. I note the potential of the proposal to contribute to the achievement of the Government policy to increase the delivery of housing from its current under supply set out in Rebuilding Ireland- Action Plan for Housing and Homelessness, issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban location close to public transport and centres of employment. The newly published 'Housing for All' is also noted in this regard. I am of the opinion that the strategic importance of the delivery of housing units to address housing shortages in the principal urban areas is established in the national, regional and local planning policy context.

11.6.21 In relation to section 37(2)(b)(iii), I note the Building Heights Guidelines for Planning Authorities (December 2018), which provides a policy basis for increased building heights at appropriate locations. Specific Planning Policy Requirement SPPR 1 of the Guidelines provide that planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development... and shall not provide for blanket numerical limitations on building height. While I note the height limits set out in section 16.7.2 of the operative City Development Plan, I am of the opinion that it could be argued that a blanket numerical limitation of 16m for residential and commercial development applies to the outer city area within the Dublin city administrative boundary, with certain, very limited areas identified for buildings of greater height. Policy set out in the operative City Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city, which should predominantly remain

so. Specific Planning Policy Requirement SPPR 3A of the Guidelines provide that permission can be granted where the height of a proposed development is not consistent with a statutory development plan in circumstances where the planning authority is satisfied that the performance criteria specified in the Guidelines are met. I have had regard to the aforementioned performance criteria (see above) and am satisfied that they are substantially being met in this instance.

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

Conclusion

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

11.7 Visual Amenity

11.7.1 The submissions of third parties, Elected Members and the planning authority are noted in this regard. Many of the third parties raise concerns regarding impacts of the proposal on visual amenities; impacts on the character of the area and on the streetscape at this location. Elected Members have raised concerns in relation to

the visual dominance of the proposed development, together with insufficient screening and setbacks proposed. The planning authority note the visibility, or otherwise, of the proposed development, as shown in the submitted photomontages/CGIs. They have not expressed concern in this regard. The Parks Division have expressed concerns regarding tree removal, in particular along St Gabriel's Road where all the existing trees are proposed to be felled. These are mature trees with a strong visual presence and although compensatory tree planting is proposed, they are of the opinion that it will take 30 to 40 years to achieve the same level of maturity.

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

11.7.3 A Landscape Visual Impact Assessment, Landscape Design Rationale and photomontages have been submitted with the application. Methodology used has been detailed. The information contained therein appears reasonable and robust. A series of photomontages have also been submitted. The submitted documentation shows the proposed development in the context of the existing surrounding area. A rationale for the proposed height has been outlined and this is set out above. Thirteen viewpoints were analysed, as follows:

Table 9:

VRP	View From	Landscape/Visual Impact Significance	Duration of Impact/Rating
1	Clontarf Promenade facing NE	Imperceptible	Permanent/Neutral
2	Dollymount Wooden Bridge facing NW	Slight	Permanent/Neutral
3	Open space adjacent to the Crows Nest facing NW	Slight	Permanent/Neutral
4	Open space adjacent to the Crows Nest facing NW	Slight	Permanent/Neutral
5	North Bull Island facing W	Imperceptible	Permanent/Neutral

6	Rose Garden in St Anne's Park facing S	Imperceptible	Permanent/Neutral
7	St Annes Park facing S	Imperceptible	Permanent/Neutral
8	Seafield Road East facing NW	Imperceptible	Permanent/Neutral
9	St Gabriel's Road public open space facing E	Imperceptible	Permanent/Neutral
10	St Gabriel's Road N facing SE	Moderate	Permanent/Neutral
11	NE corner of the site facing SW	Moderate	Permanent/Neutral
12	Redcourt Oaks apartments facing N	Nil/No Change	Permanent/Neutral
13	Vernon Avenue & Seafield Road East facing E	Imperceptible	Permanent/Neutral

11.7.4 The visual impact assessment states that, when completed, the proposed development will have a permanent, neutral impact. It acknowledges that during the construction phase, the proposal will have a short-term (lasting approximately 1-2 years) negative impact on the site setting. This is to be anticipated. I note the submission of a Preliminary Construction & Demolition Waste Management Plan and a Preliminary Construction & Environmental Management Plan. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. Construction related matters can be adequately dealt with by means of condition. However, if the Board is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

11.7.5 The proposal, will without doubt, be visible within the surrounding context and from various vantage points in the locality. Having examined the documentation before me, including verified photomontages, I am of the opinion that the massing, scale and heights of the proposed development are generally considered acceptable. I am

of the opinion that the proposed development incorporates an innovative and quality contemporary design response that respects the sensitivities of the site. I note the matter of tree loss and its impacts on the visual amenity of the area, in particular St. Gabriel's Road. Contrary to some of the third party submissions received, I note that there are no special designations pertaining to the site (aside from its residential conservation area zoning) and no tree protection orders apply to any of the trees. There are no 'Category A' trees within the site. The mature trees along Seafield Road East are predominantly being retained. In my opinion, these are the trees that offer the greatest streetscape value. Compensatory planting is proposed. Notwithstanding the report of their Parks Division, the planning authority in their Chief Executive Opinion have not recommended a refusal of permission in this regard. The Board is referred to the 'Biodiversity' section below for further analysis on proposed tree loss. I am of the opinion that this tree loss is regrettable, however is often inevitable in such re-development sites. I note the landscaping proposal put forward in this regard, which includes for significant tree retention, together with compensatory tree planting proposed. I am generally satisfied in this regard.

11.7.6 Impacts on views are noted. There are no protected views in the immediate vicinity. Landscape sensitivity is generally low. I am satisfied that any impacts on views would not be so great as to warrant a refusal of permission. I have examined all the documentation before me and I acknowledge that the proposal will result in a change in outlook as the site changes from its current underutilised state to a site accommodating development of the nature and scale proposed. As the site is opened up, it will become more visually prominent than is currently the case. Again, I consider this to be a positive. Without doubt, there will be significant long term impacts on the visual landscape context of the area. This is inevitable when developing such sites and is not necessarily a negative. The proposed development will become an attractive addition to the streetscape at this location. Many of the third party submissions received have raised the matter of anti-social behaviour and dumping on the site in recent years. The appropriate re-development of the lands should aid in alleviating these problems.

11.7.7 I have inspected the site and viewed it from a variety of locations across the wider area. I have also reviewed all the documentation on the file. I am of the opinion that while undoubtedly visible, the proposal would not have such a detrimental impact on

the character of the area, as to warrant a refusal of permission. There is greater potential for visual impacts at a more local level and this is acknowledged. I also acknowledge that the character of the area will be altered- again not necessarily a negative. Landscape and visual impacts are likely to be perceived initially as negative by virtue of the landscape change and the scale of the development proposed, however these impacts will become more acceptable over time as the buildings are occupied and the development offers new facilities to the wider area, for example the public open space provision. I note apartment development within the wider area and also note the adjoining Redcourt Oaks development of duplex units and apartments. Proposals for such apartment development are not unexpected given the locational context of the site and its size. I consider the transition in scale to be acceptable in this instance having regard to the mixed character of the area, including St. Gabriel's Church, Redcourt Oaks and the traditional two-storey and single storey dwellings in the vicinity. A quality proposal has been put forward. I am satisfied that the proposed development will not impact negatively on the character or setting of any historic structures or the residential conservation area in which the site is located. The proposal will add visual interest; will make a positive contribution to the skyline and will improve permeability within the area. I am of the opinion that its height, scale and massing is acceptable in townscape and visual terms.

11.7.8 Section 16.7.2 of the operative City Development Plan sets out assessment criteria for high buildings and this has been detailed above. Policies relating to architectural excellence include Policy SC17, SC25 and SC26. I am generally satisfied with the standard of architectural quality put forward in this instance and consider the proposal to be generally in compliance with these aforementioned policies. As has been stated above, I am also satisfied with the principle of the heights proposed on this site.

11.7.9 I am not unduly concerned with regards the matter of visual impacts.

Materials Strategy

11.7.10 The matter of materiality has been dealt with in section 3.6 of the submitted Architectural Design Statement. The matter of materiality has been well considered in the documentation and the primary material for the scheme is brick, of selected

grey colour. Some smaller elements of sand and cement render and self-coloured render are also proposed, which will reflect the materiality of the wider, established area. I am satisfied with the approach taken in this regard. I am satisfied that if the Board is disposed towards a grant of permission, that exact details relating to this matter could be adequately dealt with by way of condition.

11.8 Impacts on Existing Residential Amenity

Context

- 11.8.1 Concerns regarding impacts on existing residential amenity have been put forward in many of the observer submissions received, including concerns regarding overlooking, overshadowing and loss of light, together with privacy concerns and those relating to anti-social behaviour. The concerns of the planning authority in this regard relate to daylight/sunlight matters for both existing residents and future occupants. They note that there would be 27 no. apartments in Redcourt Oaks negatively affected by the proposed development regarding access to daylight/sunlight. They continue by stating that the assertion by the applicants that any potential development on site would have the same effect is not substantiated. However, their report continues by stating that the proposed separation distances indicted should be sufficient to maintain the privacy of the rear gardens of the neighbouring houses. They do not recommend a refusal of permission in relation to this matter of residential amenity.
- 11.8.2 In terms of impacts on existing residential amenity, at the outset I acknowledge that, without doubt, there will be a change in outlook as the site moves from its current level of development to that accommodating a development, such as that proposed. This is not necessarily a negative. I am cognisant of the relationship of the proposed development to neighbouring properties. In my opinion, separation distances in excess of what would normally be anticipated within such an established, urban area are proposed with existing properties. This will ensure that any impacts are in line with what might be expected in an area such as this. The proposed development is considered not to be excessively overbearing given this context.

Overlooking and impacts on privacy

11.8.3 The issue of overlooking and impacts on privacy has been raised in many of the submissions received. I note the separation distances proposed, together with the level of screening along many of the site boundaries.

Table 10:

Between Proposed Development and:	Distance
Seafield Road East	Between 50.08m and 52.45m
St. Gabriel's Church	Between 45m and 51.2m
St. Gabriel's Road	Between 25.4m and 34.14m
Redcourt Oaks	Between 21.36m and 32m

11.8.4 Given the locational context of the site, the orientation of existing and proposed development, together with the design rationale proposed, which includes for extensive setbacks and separation distances, I consider that matters of overlooking would not be so great as to warrant a refusal of permission. Given the urban location of the site, a certain degree of overlooking and overshadowing is to be anticipated. It is also to be anticipated that one would see other development from their property. I am satisfied that impacts on privacy would not be so great as to warrant a refusal of permission. This is an urban area and the overall scale of development reflects its location. The site is zoned for residential development and the principle of a dense scheme at this location, accords with national policy in this regard. There is an acknowledged housing crisis and this is a serviceable site, in an established city area, where there are adequate public transport links with ample services, facilities and employment in close proximity.

Daylight and Sunlight

11.8.5 In designing a new development, I acknowledge that it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. It is noted that loss of daylight and overshadowing forms one of the key objections from local residents. I note the layout of the proposal is such that a significant separation distance is proposed between the proposed development and nearby

residential properties and the attention of the Board is drawn to this fact. A roadway, parking and garden area separates the proposal from existing development in all instances, with the exception of the element of the proposal fronting onto Redcourt Oaks, a three storey apartment/duplex development. The proposed area of public open spaces separates the proposed blocks from those existing in Redcourt Oaks.

11.8.6 The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that 'appropriate and reasonable regard' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers). The standards described in the guidelines are intended only to assist my assessment of the proposed development and its potential impacts. Therefore, while demonstration of compliance, or not, of a proposed development with the recommended BRE standards can assist my conclusion as to its appropriateness or quality, this does not dictate an assumption of acceptability or unacceptability.

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

11.8.8 A 'Daylight, Sunlight and Overshadowing Report' was submitted with the application. The information contained therein generally appears reasonable and robust. I note that the submitted Report has been prepared in accordance BRE BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice', 2nd Edition 2011 and with the Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) (I note the since updated Guidelines of 2020). I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British

Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight: A guide to Good Practice (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights (2018). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines. I have carried out an inspection of the site and its environs.

11.8.9 As stated above, the matter of daylight/sunlight/overshadowing has been raised in many of the third party submissions received. The planning authority state that there is concern that the current proposal would not meet BRE Best Practice guidelines in relation to Average Daylight Factor (ADF) and the Vertical Sky Component (VSC) and they consider that the application has not adequately demonstrated a rationale for alternative compensatory design solutions. I highlight to the Board that compensatory measures are addressed within section 10 of the submitted report and include dual aspect configuration; full access to covered courtyard and south facing elevated terraces to some apartments. I also note the proposed design rationale in terms of setbacks from site boundaries.

Daylight

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

11.8.11 Properties analysed are set out in section 6 of the report- 18 buildings, 386 window panes in total. It appears that individual panes were examined within windows on St. Gabriel's Road and Seafield Road East. It is unclear why this approach was taken. In my opinion, analysing individual windows in their totality would be preferred as opposed to individual smaller panes within windows.

11.8.12 See below for properties and impact classification:

Table 11:

Property	No. Windows/ Panels Examined	Pass	Minor Adverse	Major Adverse
Block 1 (Redcourt Oaks)	15	7/15	4/15	4/15
Block 2 (Redcourt Oaks)	18	6/18	6/18	6/18
Block 3 (Redcourt Oaks)	18	11/18	4/18	3/18
Block 4 (15 St. Gabriel's Road)	20	20/20	-	-
Block 5 (14 St. Gabriel's Road)	20	20/20	-	-
Block 6 (13 St. Gabriel's Road)	21	21/21	-	-
Block 7 (12 St. Gabriel's Road)	21	21/21	-	-
Block 8 (11 St. Gabriel's Road)	11	11/11	-	-
Block 9 (10 St. Gabriel's Road)	11	11/11	-	-
Block 10 (147 Seafield Road East)	44	44/44	-	-
Block 11 (149 Seafield Road East)	44	44/44	-	-
Block 12 (151 Seafield Road East)	44	44/44	-	-
Block 13 (153 Seafield Road East)	44	44/44	-	-
Block 14 (155 Seafield Road East)	16	16/16	-	-
Block 15 (157 Seafield Road East)	14	14/14	-	-
Block 16 (159 Seafield Road East)	16	16/16	-	-
Block 17 (161 Seafield Road East)	4	4/4	-	-
Block 18 (163 Seafield Road East)	5	5/5	-	-

11.8.13 I am satisfied that all relevant properties have been considered. The results show that all properties analysed, with the exception of some within the Redcourt Oaks development comply with BRE guidance, with a VSC of 27% or greater being achieved. In terms of the Redcourt Oaks development, I note that in total, there are

14 windows examined that will experience a minor adverse impact (stated to be between 24% and 27% of former value). Many of these units fall slightly below the 27% threshold. In terms of those described as 'Major Adverse' (being less than 24%), I note that there are 13 such windows. The window that would be most impacted upon by the proposed development in this regard, is Ref. 71 in Block 1, with the post development VSC stated as being 17.75%. It is those units on the ground and first floors of the Redcourt Oaks development that are being most impacted upon, with Block 2 being the worst affected. In total 12 units within Block 2 achieve a VSC of less than 27%.

11.8.14 While the above is noted, I am of the opinion that the results confirm that access to daylight for existing surrounding properties, when compared with their existing baseline experience, will not be unduly compromised as a result of the proposed development. All units on St. Gabriel's Road and Seafield Road East comply with BRE guidance, with a VSC of 27% or greater being achieved. The VSC results indicate that the proposed development will have a generally negligible impact (93% pass; 3.6% Minor Adverse Impact; 3.4% Major Adverse Impact) on the majority of the surrounding buildings, with the exception of some units on the ground and first floors of the west façade of Redcourt Oaks to the east.

11.8.15 I am of the opinion that the scale of any proposed development adjacent to Redcourt Oaks would need to be very low rise to cause negligible impact to the levels of daylight in the existing apartments. I note the height of the proposed development and consider it to be appropriate for this area, given its locational context and current national guidance in this regard. I note the existing trees along the eastern site boundary, located between the Redcourt Oaks development and the subject site. These trees as existing would have impacts on the levels of daylight that some properties within Redcourt Oaks receive and it is anticipated that their removal would increase levels of VSC to these properties. However, the applicants are providing a wider planning gain by retaining the trees within the proposed development. This wider planning gain is from an environmental, visual and ecological perspective. In addition, the existing open space between the Redcourt Oaks blocks and the eastern boundary of the subject site is also noted, which aids in increasing separation distances. In addition to the above, I note other compensatory measures proposed, which include for a significant separation distances of up to 32

metres. The layout of the proposed scheme is such that the area of public open space separates the proposed development from the Redcourt Oaks development. I also raise the possibility that the units within the Redcourt Oaks development may be dual-aspect, however this is not confirmed.

11.8.16 I am of the opinion that any impacts on nearby properties are on balance acceptable, having regard to the limited nature of the impacts on the windows of these identified properties, to the existing open nature of the site and to the need to deliver wider planning aims, including the delivery of housing and the development of an underutilised urban site.

Sunlight

11.8.17 The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). A target of 25% of total APSH and of 5% of total WPSH has been applied and is applied only to windows that face within 90 degrees of due south. The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed. The only windows facing within 90 degrees of due south that could be affected by the proposed development are those of surrounding blocks 4, 5, 6, 7, 8, and 9 (properties on St. Gabriel's Road) of which all (100%) achieved the BRE Guideline recommended values for safeguarding annual access to sunlight. Of the same blocks analysed for WPSH, all achieved the BRE Guideline recommended values. In relation to the conclusions of the report, as relates to sunlight, I am satisfied that impacts of the development on sunlight levels to surrounding property will be minor, and are on balance, acceptable.

Overshadowing

11.8.18 In relation to overshadowing, BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. All amenity spaces adjoining the proposed development site boundary that could potentially be impacted, were assessed in relation to potential overshadowing. It is noted that all areas examined do not currently achieve at least 2 hours of sunlight over at least 50% of the area on the 21st March due to shading caused by the surrounding buildings themselves and fencing

between gardens. As such, this situation will remain largely unchanged and the proposed development will not cause any significant loss of sun light to these amenity areas. I am content that the proposed development would not unduly overshadow surrounding amenity spaces, over and above the current situation.

Conclusion

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

Anti-social behaviour

11.8.20 Concerns have been raised in some of the submissions received with regards to anti-social behaviour, both historically on the site and into the future. As stated elsewhere within this report, I am of the opinion that matters of previous anti-social behaviour and dumping on the site should be largely resolved by the appropriate redevelopment of the site. While I acknowledge the concerns raised, I have no reason to believe that this would be an issue going forward. The proposed pedestrian links, if implemented will improve connectivity within the area, for both existing and future residents. Any matters relating to law enforcement are a matter for An Garda Siochana, outside the remit of this planning application.

Noise

- 11.8.21 The matter of construction noise and impacts on amenity has been raised in some of the third party submissions received.
- 11.8.22 Given the nature of the development proposed, I do not anticipate noise levels to be excessive. I acknowledge that there may be some noise disruption during the course of construction works. Such disturbance or other construction related impacts is anticipated to be relatively short-lived in nature. A condition should be attached to any grant of permission regarding construction hours. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. I note that a Preliminary Construction & Environmental Management Plan has been submitted with the application, which deals with the issues of noise and dust control, construction hours; site access and traffic management. In addition, a Preliminary Construction & Demolition Waste Management Plan has been submitted, which deals with matters of waste management and invasive species amongst other matters. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project.
- 11.8.23 The matter of noise from the proposed roof garden has been raised as a concern in some of the third party submissions received. I have no information before me to believe that noise from the proposed roof garden would be excessive and I would not anticipate it to be any greater than noise from a back garden of an existing residential dwelling.
- 11.8.24 In addition, I have no information before me to believe that the proposal will negatively impact on air quality. Construction related matters can be adequately dealt with by means of condition. However, if the Board is disposed towards a grant of permission, I recommend that a Construction Management Plan be submitted and agreed with the Planning Authority prior to the commencement of any works on site. I note the report of the Air Quality Monitoring and Noise Control Section of the planning authority which does not raise concern in this regard, subject to condition.
- 11.8.25 I am therefore satisfied that the proposed development would not have any unacceptable, long-term direct or indirect impacts in terms of noise or air quality.

11.9 Quality of Proposed Residential Development

Context

- 11.9.1 It is noted that some of the third party submissions received raise concern with regards the quality of residential amenity being afforded to future occupants of the proposed scheme. This has also been raised as a concern of the planning authority. Their concerns relate to daylight/sunlight matters and floor to ceiling heights.

Floor to Ceiling Heights/Lift and Stair Cores

- 11.9.2 Section 3.2 of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020) states that floor-to-ceiling height affects the internal amenities of apartments, in terms of sunlight/daylight, storage space, and ventilation. This is most significant at ground level, where the potential for overshadowing is greatest. Ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, which will vary depending on location.
- 11.9.3 SPPR5 of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020) relates to floor to ceiling heights and states that:
- ‘Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality’.
- 11.9.4 It is noted that floor to ceiling heights for all the apartments for are 2.6 metres except where the duplex apartments achieve 2.5 metres floor to ceiling height. The rationale set out in the Statement of Consistency with Planning Policy for not achieving the required standard for floor to ceiling heights states ‘it is improbable that the ground floor apartments will revert to commercial use in the future where a requirement of 2.7 metre floor to ceiling height would arise’. Notwithstanding this, the planning authority are of the opinion that the requirement for the provision of 2.7 metre floor to ceiling height at ground floor level as set out under SPPR 5 is not specifically to allow for the potential conversion of ground floor units for commercial use. The policy indicates an increase from 2.7 metres for commercial uses at ground floor level. I

would concur with this opinion. If the Board is disposed towards a grant of permission, the matter could be dealt with by means of condition, namely that all ground floor units have a minimum floor to ceiling height of 2.7m, in compliance with SPPR5 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). This will result in marginal increase in the overall height of the proposed blocks and this marginal increase would not affect my assessment and recommendation above in relation to building height.

Lift and Stair Cores

11.9.5 Specific Planning Policy Requirement 6 states that:

A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.

11.9.6 It is noted that under SPPR 8, the requirement for a maximum of 12 apartments per stair core does not apply.

11.9.7 In any event, it is noted that the proposed development is consistent with SPPR6. The planning authority have not raised concerns in this regard.

Floor Areas

11.9.8 All units comply with the operative City Development Plan and SPPR3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) in this regard.

Daylight and Sunlight to Proposed Residential Units

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

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

11.9.10 As before, I have considered the Daylight, Sunlight and Overshadowing Report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011). The latter document is referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development and Building Heights Guidelines.

11.9.11 . I note the submitted report incorrectly states that 100% of units would be dual aspect. This does not have any material bearing on my recommendation.

Daylight

11.9.12 In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved

within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.

- 11.9.13 In relation to daylight, it appears that all units were analysed for ADF. The information has been set out in tabular form in section 8 of the submitted Daylight, Sunlight and Overshadowing Report (pages 23-36 inclusive). While the unit types have been identified (for example 2D, 3A, 1A), it is difficult to understand which particular unit is being referred to as the individual units do not appear to be numbered. For example Reference No. 1 and 2 for GF level refer to Apt 1 but it is unclear to me which unit is actually Apt 1.
- 11.9.14 I highlight to the Board that there are two different typologies proposed, namely apartment units and duplex units. The proposed apartment units contain combined kitchen/living/dining layouts. However, the proposed duplex units (Type 2A) have a combined kitchen/dining and separate living room. The Type 2A kitchen/dining spaces are all located on the ground floor. There are 21 such units proposed in this development. The remaining 110 units are apartments.
- 11.9.15 The applicant has applied the 2% ADF value and the 1.5% ADF value within the submitted assessment. It is noted that in the tabular form (pages 24-28 inclusive) the proposal is benchmarked against the 2% value for K/L and 1% in bedrooms for the apartment units. It is also benchmarked against the 2% value for separate kitchen/dining in the duplex units. I note the minor error with regards to Ref. 2 and 43 on GF level, which although achieving a 1.94% for living/kitchen and 1.5% for separate kitchen/dining room, are stated to pass the BRE best practice guidelines. While this is incorrect, I consider these to be minor errors. I also note the error in the summary table on page 36 where the 3rd column states 1.5% and should state 1.75%. These errors do not impact upon the outcome of my recommendation.
- 11.9.16 When combined kitchen/living rooms in the apartment units are benchmarked against the 2.0% ADF, 77.45% of the rooms tested are stated meet the relevant BRE 209 standard. I note that the kitchen areas were not excluded from the calculations. I note where separate kitchen/dining rooms are proposed within the duplex units, none of the separate kitchen/dining areas meet the 2% requirement. The planning authority note that the 2% value is not met in all instances and they note that 25 no. habitable rooms do not achieve the standard at ground floor level (39.2%); 5 no.

rooms at first floor level do not achieve the standard (7.6%); at second floor level 11 no. rooms do not achieve the standard (18.3%) and 9 no. rooms would not achieve the required standard (15%) at third floor level.

11.9.17 While the above is acknowledged, I note the open plan nature of the units with combined living/kitchen/dining spaces in the apartment units. In these units, the kitchen area is not the primary function of the room, instead given the layout it is clear that the living/dining areas are considered to be the primary function where future residents would spend more of their time. I note that the kitchen areas are generally located within well-lit living spaces. The kitchen spaces have not been excluded from the calculations. I note the associated requirement within BS.8206-2 for “Kitchens” (ADF>2.0%) was developed for residential housing where the kitchen would be an identifiable separate room with seating and where occupants would be expected to eat and spend time as well as being generally present throughout the day. In general, the apartments assessed do not include a kitchen of this type; they instead include a kitchen area which would be expected to be used solely to prepare food with the residents spending most of their time in the living area. I therefore consider that flexibility as the use of a target value of 1.5% is acceptable in this instance. Using the 1.5% target value, 90.2% of living/dining (kitchen) rooms achieve this target.

11.9.18 In terms of the duplex units with separate kitchen/dining rooms and living rooms, I note the shared use of the k/d room and the fact that it opens directly into a well-lit living room. However, it is clear that the primary use of these rooms would be for food preparation and eating. I acknowledge the 2% target value, as set out in BRE guidance in this regard. I highlight to the Board that none of these kitchen/dining spaces meet the 2% value, with some units falling significantly below the 2% target value. For example, one ground floor unit only achieves 0.58% for the kitchen area (Ref. No. 33). It is noted that in these units, all living rooms significantly exceed the 2% target value. I highlight these units to the Board. I also highlight that all of these units are dual aspect, over two floors. All have private open space provision and are above minimum floor area standards. All would offer a good quality of residential amenity to future occupiers. I consider all of these to be alternative, compensatory design solutions.

11.9.19 I am of the opinion that the higher 2% ADF is more appropriate in a traditional house layout, and that in apartment developments such as this, it is a significant challenge to achieve 2% ADF, and even more so when higher density and balconies are included. Often in urban schemes there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/streetscape and that an alternate 1.5% ADF target is generally considered to be more appropriate. As anticipated, the ground floor units are those which give the 'worst-case' scenario results. All units on levels 4 and 5 meet the 2% value, with some units being significantly in excess of this target.

11.9.20 I acknowledge that there are shortfalls in this regard. I also acknowledge the concerns of the planning authority in this regard, I again highlight that while the recommended standards set out in the guidelines can assist my conclusion as to its appropriateness or quality, they do not dictate an assumption of acceptability. I note that notwithstanding the BTR nature of the proposed development and the challenges posed in achieving adequate daylight, it is proposed to provide private open space to all units so as to provide a positive residential amenity to future occupiers. Many units are opening onto some level of public/communal open space. The covering of the communal courtyard will be a significant benefit for future residents, allowing sheltered year round access. I also note the high level of dual aspect units (88%). The sizes of window opens is noted. The increase in floor to ceiling heights as recommended above will also aid in achieving greater ADF. I consider all of these to be alternative, compensatory design solutions.

11.9.21 In addition, I note that the applicant has endeavoured to maximise light into the apartments while also ensuring that the streetscape, architecture and private external amenity space are also provided for. I therefore consider that having regard to all of the above, the majority of units tested should receive adequate levels of daylight.

Sunlight

11.9.22 The report also considers internal sunlight levels to the proposed units, and a summary of results is set out in pages 42-47 inclusive of the submitted report. The information is set out graphically, not in a tabular form. It would have been helpful to see the information in tabular form. In relation to sunlight, analysis has been

provided in accordance with the BRE guidelines on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). The APSH modelling involves assessment of the level of sunlight that reaches a window, then determining the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis (section 3.1.10 of the BRE 209 Guidance). The report states that the majority of windows suitable for assessment meet the annual probable sunlight hours criteria outlined in the BRE Guide, together with the recommended target of 5% for winter sunlight (WPSH). The applicants state that many of the living spaces along the SW elevation still achieve the desired 25% (APSH) and 5% (WPSH) of their probable sunlight hours annually/during winter despite their orientation.

11.9.23 The submitted report notes that in the majority of living spaces facing internally into the courtyard communal area do not achieve the desired 25% of annual probable sunlight hours or 5% of winter probable sunlight hours. This is due to the ETFE roof removing the possibility of direct sunlight to these areas. However the report notes that the ETFE roof will transmit an element of indirect sunlight to these areas due to its 85% light transmittance value. Many of these rooms receive good levels of daylighting due to their dual aspect nature, despite the lack of direct sunlight available to the inward facing courtyard windows. I note that almost all units with windows into the communal courtyard area are dual aspect and that the main living space is not opening onto the courtyard area, instead it is on the opposite elevation. Where single aspect studio units are proposed, they have a southerly orientation and look onto the open space exclusion area. I am satisfied in this regard and consider that the benefits of the proposed ETFE roof would outweigh any negatives in terms of indirect sunlight to secondary rooms.

Internal Open Spaces

11.9.24 Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. It is noted that while the proposed roof garden will receive direct sunlight, the proposed internal covered courtyard will receive indirect sunlight. Both proposed amenity spaces exceed this target.

Conclusion

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

11.9.26 Having regard to the information outlined above, as contained in the submitted Daylight and Sunlight Analysis, I note that for the proposed apartment units, the level of compliance with the ADF target of 2% for kitchen/living rooms is 77% or with the alternative ADF target of 1.5% for living/dining room is 90%, which is considered to be reasonable compliance with the BRE standards. It is highlighted to the Board that none of the combined kitchen/dining rooms within the proposed duplex units meet the 2% target. I note that SPPR3 allows compensatory proposals where non-compliance is proposed. A rationale for alternative and compensatory design solutions has been put forward. I note that having regard to the proposed density and urban location, that the identified shortfalls are not significant in number or magnitude. Regard is also had to the need to develop sites, such as this, at an appropriate density, and, therefore, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. It is my opinion that adequate justification for non-compliance exists, and that the design and associated alternative, compensatory design solutions are appropriate. It may also be noted that the ADF for rooms is only one measure of the residential amenity and in my opinion the design team have maximised access to daylight and sunlight for all apartments. While the concerns of the planning authority are acknowledged in this regard, I note that they are not recommending a refusal of permission in relation to this matter. I am generally satisfied that all of the rooms within the apartments would receive adequate light.

11.9.27 I have considered all of the written submissions made in this regard. I am satisfied that there will not be significant impact on nearby properties and am generally satisfied that the design results in sufficient daylight and sunlight for future residents.

11.10 Traffic and Transportation

Context

11.10.1 It is noted that a number of transport related documents have been submitted with the application documentation including Traffic and Transport Assessment, Parking Strategy & Management Plan and Mobility Management Plan. In addition, a Preliminary Construction & Environmental Management Plan was also submitted.

11.10.2 A large number of the third party submissions received raised concerns regarding the increased traffic likely to be generated by the proposed development. The opening of a new entrance onto Dollymount Park, to facilitate access to the proposed basement car parking has caused widespread concern with regards the residents of Dollymount Park and Rise. Many of the submissions received also raise concerns that inadequate parking is being provided for. Concerns are also raised in relation to the capacity of existing public transport in the area. Concerns regarding proposed works to public realm, including removal of car parking spaces and relocation of recycling bank also raised serious concerns. Queries were raised in many submissions as to whether the applicants have consent to carry out the proposed works to the public realm. The report of the planning authority is referred to below but in summary they are generally satisfied with regards this aspect of the proposal, subject to conditions.

11.10.3 The development includes the provision of a single level basement providing 81 no. car parking spaces (which includes for 3 no. disabled parking spaces, 1 no. car share space and 3 no. motorcycle parking spaces). A new vehicular access to the basement car park is proposed to the north of the site from Dollymount Park. The development includes 220 no. resident's bicycle parking spaces, together with 68 no. visitor bicycle parking spaces at surface level. Widened footpaths (2.2m wide) are provided along the northern, western and southern site boundaries to accommodate the anticipated increased footfall arising from this new development. Bicycle parking and storage will be provided at ground floor level and therefore there will be no requirement for cyclists to use the basement car park or access ramp. The proposal

also includes for works to the adjoining public roads so as to enhance pedestrian and cyclist movement, including new and enhanced pedestrian crossing points in the vicinity of the site on St Gabriel's Road and Dollymount Park, together with realigned on-street parking on Dollymount Park to facilitate the new site vehicular entrance. There will be a net loss of seven on-street car parking spaces at this location, if the proposed development is constructed. I note that existing spaces are being realigned and formally demarcated. I note that there was a high degree of vacancy of these spaces at the time of my site visit. I am of the opinion that the gain to the wider community as a result of the proposed works to the public realm surrounding the site would far outweigh the negative of the loss of seven parking spaces.

11.10.4 The planning authority state that accessibility and connectivity within the site is considered acceptable. They are supportive of the new and enhanced pedestrian crossings in the vicinity of the site on St. Gabriel's Road and Dollymount Park, together with the proposals for the widened pavements, subject to agreement. In coming to this conclusion, they have had regard to the anticipated increase in both pedestrian footfall and vehicular activity on the local road network and the improved connectivity for future residents with surrounding amenities, services and commercial offerings. I would concur with this opinion and I consider that improved connectivity and permeability for pedestrians and cyclists alike will be a benefit to the wider community.

Access

11.10.5 Vehicular access to the site is currently onto Seafield Road East, near to its junction with St. Gabriel's Road. The proposal includes for the relocation of this entrance, to form a new entrance on Dollymount Park, which will lead into the basement level car park. As stated above, the relocation of the vehicular access to the site to Dollymount Park has caused serious concern among local residents. The Transportation Division of the planning authority state that the proposed siting of the vehicular access at this location is acceptable.

11.10.6 There is a parking lay-by along the northern boundary of the site on Dollymount Park, which accommodates unmarked, on-street perpendicular parking along southern side of Dollymount Park. This lay-by also accommodates a bring centre comprising a bottle bank and clothes banks. The proposal includes for the reconfiguration of the

existing layout along the southern side of Dollymount Park to accommodate the vehicular access and formalise the on-street parking arrangements. It is stated that the recycling banks will be relocated. The planning authority have not raised concern in this regard, subject to condition relating to formal agreement with regards the modifications and realignments to the public road proposed. I welcome the formalisation of the parking arrangement in this area and I do not have issue in this regard.

11.10.7 Many of the third party submissions received have raised concerns regarding the proposed relocation of the recycling banks and lack of detail as to where precisely they are to be relocated to. I agree that there is a lack of clarity in relation to this matter. The Transportation Division of the planning authority state that for the purpose of improved pedestrian and traffic movement, visual amenity and streetscape enhancement, they recommend that the bring centre receptacles are incorporated into an enhanced streetscape design as part of the Dollymount Park reconfiguration works, where possible. I would concur with this opinion. Legislation in relation to the siting of recycling receptacles falls under the Planning and Development Regulations 2001 (S.I. 600 of 2001). The planning authority state that the bring centre falls within the remit of Environment and Waste Division and should be consulted to ascertain its requirements at construction and post-construction stages with regard to same. I am aware that there may be restrictions in relation to the proximity to residential units that a bring centre can be sited without consent of the respective owners of any such properties. I acknowledge this concern of the third parties and the desire not to lose this community facility. I consider that if the Board is disposed towards a grant of permission, the matter could be adequately dealt with by means of condition.

11.10.8 Segregated pedestrian and cycle accesses are provided from Seafield Road East, St. Gabriel's Road and Dollymount Park with the Seafield Road East access providing the primary pedestrian access to the site. Seafield Road East and Dollymount Park are connected via an internal walkway along the eastern site boundary.

Capacity of Public Transport

11.10.9 Many of the third party submissions received have raised concerns that the proposed development site is not suitable for a development of the nature and scale proposed, due to the quality and capacity of public transport in the vicinity of the site. The planning authority state that there is some concern that this suburban location is not optimal in terms of proximity to high capacity public transportation. The applicants state within the TTA that Dublin Bus has confirmed that Route 130 is one of the most frequent routes in the Dublin Bus fleet running every 8-10 minutes from both termini. They further state that Dublin Bus confirms that the services travelling to/from the city centre at peak times in the morning generally do not operate at maximum capacity and the same is true returning in the evening. I note that correspondence in this regard from Dublin Bus does not appear to have been submitted with the application documentation. The applicants continue by stating that records from the February 2020 traffic surveys show approximately 30 patrons per hour waiting at bus stop 1726 in the morning between 07:00-09:00 hrs with demand reducing to 12 per hour through the day. All patrons observed in the surveys were accommodated by the first bus to stop after their arrival at the bus stop. I note the timing of these surveys was before the Covid-19 restrictions were introduced. In terms of BusConnects, there appears to be little change proposed for this area. In addition to the above, it is noted that the two existing railway stations located within approximately 2.2-3.2km distance of the proposed development site, one at Killester to the northwest and one at Clontarf Road to the west, are too removed to be considered within walking distance.

11.10.10 I note the public transport facilities in the vicinity of the site. I noticed a number of buses on Clontarf Road whilst conducting my site visit on the morning of December 06th, 2021. While there may be scope to improve the service within the area, it remains that the area is served with a regular, reliable public transport service. Pedestrian and cycle connectivity is good within the wider area. There are many services and facilities within walking distance of the site including retail, educational, recreational and ecclesiastical. Having regard to all of the information before me, I am satisfied in this regard.

Traffic Congestion

11.10.11 Concerns were raised in relation traffic and increased congestion around the local roads as a result of the proposed development. The application is accompanied with a Traffic and Transport Assessment which includes details in relation to trip generation. Traffic count surveys were carried out in February 2020, prior to the start of the Covid-19 pandemic. As agreed with the planning authority, the TRICS database was used to established representative traffic generation rates. For the proposed development, average traffic generation rates were calculated for the established network peak hours of 08:00-09:00 hrs (AM) and 17:00-18:00 hrs (PM). Traffic counts also included a vehicle and pedestrian count at the adjacent Redcourt Oaks residential development. The survey results for the proposed development details 5 arrivals and 18 departures in the AM peak and 16 arrivals and 7 departures in the PM peak. The analysis states that given that the proposed development is a BTR low-car dependency property, it is highly likely that this rate of traffic generation set out above will be representative. I would concur with this opinion.

11.10.12 The analysis further states that it is clear that the traffic generated by the proposed development is highly unlikely to have a significant impact upon the capacity and operation of the receiving road network during the peak hour periods. Capacity assessments were undertaken at three key junctions in the vicinity of the site (R807 Clontarf Road/Seafield Road East; Seafield Road East/St Gabriel's Road and R807 Clontarf Road/Dollymount Park). These junctions were modelled for base and future year scenarios in order to provide a comparative basis upon which to evaluate the incremental impact of the proposed development and to appraise the overall performance of the road network under future assumed network traffic flow criteria. The PICADY program was used to assess the future performance of the priority junctions on the network whilst the OSCADY program was used to assess traffic signal junction performance. No substantial permitted developments that might be considered likely to give rise to significant increases on the local receiving road network were identified. All junctions analysed currently operate within capacity for all assessment traffic flow scenarios. The assessment results confirm that the existing junctions, which are lightly trafficked, can function within capacity and can satisfactorily accommodate the traffic generation arising from the proposed development. The forecast impact on the junction is likely to be imperceptible.

11.10.13 The Assessment concludes that there is adequate capacity for the additional vehicles. There will inevitably be increased traffic as a result of the proposed development, in particular during the construction phase. However, there is good road infrastructure in the vicinity of the site and good management procedures are proposed. The data provided demonstrates that the increased traffic will have minimal impact on the wider road network. I am of the view that this is an urban area and a certain level of congestion is to be anticipated in such locations.

Car Parking

11.10.14 The subject site is located within Area 3 of Map J of the operative City Development Plan, with Table 16.1 detailing the maximum car parking standards permissible for a variety of uses. A maximum car parking provision of 1.5 no. space per residential unit is permissible, which would allow for a maximum of 197 no. car parking spaces. The total overall car parking provision is 81 no. spaces (which includes for 3 no. universally accessible spaces and 1 no. car sharing space). The proposed quantum equates to a maximum ratio of 0.61 spaces per unit (excluding the 1 no. car sharing space).

11.10.15 The matter of visitor parking has been raised as a concern in many of the third party submissions received. It is noted that the TTA states that visitor parking spaces will be allocated by the management company upon application- such visitor parking is not demarcated on the submitted documentation. I note however that section 3.2.4 of the Parking Strategy and Management Plan states that no dedicated visitor parking spaces will be provided given the site's proximity to public transport and surrounding off-street parking facilities. I consider this to be reasonable given the extent of on-street parking in the immediate vicinity of the site. The Transportation Division of the planning authority have raised this matter in their report and state that it is unclear as to the actual allocation of resident spaces within this application, given that visitor parking figures are not specified. The planning authority continue by stating that it is important that such a proposal is supported by a clear and robust Car Parking Management Strategy and Mobility Management Plan/Residential Travel Plan to avoid overspill parking occurring on the surrounding street network. In term of Car Parking Management, the TTA states that this will be managed by the Development Management Company. In the event that a grant of planning is forthcoming, the Transportation Division recommends that it be conditioned that a

revised and clear Car Parking Management Plan is submitted to the Planning Authority for written agreement prior to commencement of works onsite. I am of the opinion that any discrepancies between documentation should be clarified and that the matter could be adequately dealt with by means of condition, if the Board were disposed towards a grant of permission.

11.10.16 Residential car parking spaces will be located at basement level and will be managed by the development management company. Residential parking will be supported by mobility management policies which will limit the need for residents to lease parking spaces.

11.10.17 The Transportation Division of the planning authority state that the quantum of accessible parking is below the Development Plan minimum requirement of 5% of the total number of car parking spaces provided. The provision of accessible parking should be increased by a minimum of 1 no. dedicated accessible bay. This matter could be adequately dealt with by means of condition.

11.10.18 A letter of commitment from car share company GoCar to provide one permanent car share vehicle at basement level for the exclusive use of residents and an additional vehicle for public use on Dollymount Park (subject to local authority approval) accompanies the application. This is supported by the planning authority, subject to condition. I would also welcome this proposal.

11.10.19 I am satisfied that given the nature of the development and the locational context of the site, within reasonable walking distance of public transport facilities and proximate to the city centre and other employment bases, that a parking ratio of 0.6 space/residential unit is acceptable. There is a good urban road network in the vicinity of the site that would support cyclists and pedestrians. I note the concerns expressed by the planning authority in relation to the actual number of residential spaces. This could be confirmed by condition, if the Board are disposed towards a grant of permission. Aside from these concerns, the Transportation Division have not expressed concerns with regards the principle of the figure proposed. In terms of third party concerns regarding overspill onto adjoining roads, I do not accept that this will be an issue causing significant impact. I note that there is ample on-street parking within the environs of the site, including the lay-by along Dollymount Park, and that most properties have the benefit of off-street parking that can accommodate

two cars in some instances. I note that at the time of my site visit there was ample on-street parking available on the surrounding road network. Any matters of illegal parking are a matter for the enforcement section of the City council or An Garda Siochana. I am of the view that potential future occupiers should be notified of the reduced parking provision prior to making any final decision. I am also of the view that the proposal is in line with the Development Plan requirements and is appropriate for the location of the site within this established, inner suburban area.

Cycle Parking

11.10.20 In total, the proposal includes for 220 no. resident cycle spaces (1.6 spaces/residential unit), together with an additional 68 no. visitor cycle spaces at surface level. These figures are in excess of Development Plan requirements of minimum 1 space per unit. The planning authority are satisfied in this regard and state that the location of secure internal stores at the north-west and south-east of the site respectively is acceptable as both stores offer good accessibility to users. I am also satisfied in this regard. The quantum of cycle parking proposed is considered acceptable having regard to Development Plan standards and the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines or Planning Authorities. Notwithstanding this, the Transportation Division of the planning authority recommends that in the event of planning permission being granted for the proposed development, a condition be attached to any such grant regarding the submission of a revised site plan for agreement with the planning authority showing a revised visitor cycle parking provision and the incorporation of cargo bicycle parking facilities. This is considered reasonable and the matter could adequately be dealt with by condition, if the Board is disposed towards a grant of permission.

Construction Traffic

11.10.21 The matter of construction traffic and its impacts on amenity has been raised in some of the third party submissions received. It is stated in the submitted documentation that the construction period will last approximately 14 months. It is proposed that construction traffic will access the site from a proposed temporary construction access located along Dollymount Park and potentially through a secondary access to Seafield Road East for some activities. No heavy construction

traffic will be permitted to access Clontarf Road from Dollymount Park and all heavy traffic will be restricted to using Seafield Road East. The construction access shall be managed by signage and flagmen. A banksman and active traffic control will be employed during times when construction activity is more intense, for example as during concrete pours.

11.10.22 It is expected that light vehicle traffic generation during the construction phase will be on average approximately 16 trips per day increasing to a peak of 32 trips per day. This accounts for construction staff arriving in the morning and leaving in the evening. No contractor parking will be permitted on Seafield Road East.

11.10.23 The volume of material to be excavated has been estimated at c.15,000 cubic metres and this material will be removed from the site for appropriate reuse, recycling or disposal. Depending upon the haulage vehicle type, the removal of excavated materials has the potential to generate a total of between 455 and 1,000 vehicles. The disposal of excavated materials in the early stages of the project is forecast to generate a total of 544 HGV trips which equates to approximately 20 HGV trips per day over a 4-week period. Average HGV traffic generation arising during subsequent construction activities is expected to be in the region of 5 HGV or less per day. It is stated that impacts arising from construction traffic will be managed and mitigated through the agreement of suitable haul routes.

11.10.24 The information contained in the documentation in relation to management of the construction phase of development is noted and is considered reasonable. The period of construction will be relatively short-lived. It is noted that a Preliminary Construction & Environmental Management Plan was submitted with the application. I recommend that if the Board is disposed a grant of permission, that the matter of construction management be dealt with by means of condition.

Emergency Vehicle Access/Serviceing

11.10.25 Some of the submissions received have raised concerns with regards to emergency access for fire trucks. I note that fire emergency vehicles will access the site from the public roads to the south, west and north of the site. The planning authority have not raised concerns in this regard and I too am satisfied. There is a good, urban road infrastructure surrounding the site and I do not anticipate access to

be an issue. Matters of compliance with fire regulations are outside the remit of this planning report.

- 11.10.26 The planning authority is of the opinion that servicing and operations of the development have not been adequately addressed and the Transportation Division would have concerns that it may result in haphazard set-down on the public road. They recommend that the matter be dealt with by means of condition. Given the residential nature of the development proposed, I am also satisfied that this matter could be adequately dealt with by means of condition, if the Board is disposed towards a grant of permission.

Works to public realm/Consent to carry out such works

- 11.10.27 This development application proposes works to adjoining public lands that are outside of the applicant's landholdings. The proposed works relating to the public realm are set out in the application development description. This matter has been raised in many of the third party submissions received, namely if consent was obtained to carry out such works. The planning authority state that the applicants have engaged with the Transportation Planning Division in respect of proposals to the public carriageway adjoining the site. They support the enhancement of the public footpath and carriageway in the vicinity of the site, having regard to the increased footfall and general movement that will arise from the development and in order to improve safety of all road users and pedestrian connectivity with surrounding local amenities and facilities. A letter of consent was included with the application documentation from Dublin City Council stating that they have no objection to the inclusion of lands (identified in red hatch lying between red and blue line boundaries on the attached drawing TWL/30121/RB01) for the purpose of making a planning application to An Bord Pleanála. This is without prejudice to the outcome of the planning application process.

- 11.10.28 While generally supportive of the proposed works, the Transportation Division state that some design amendments are required including ensuring the southern access to St. Gabriel's Church is not impeded. In respect to a signalised pedestrian crossing, Dublin City Council will not take the infrastructure in charge until the crossing is complete and operational. All works to the public roads should be completed prior to occupation of the development. These matters are considered

reasonable and if the Board is disposed towards a grant of permission, the matters could be adequately dealt with by means of condition. As stated above, many of the submissions received raised a query as to whether the applicants have consent to carry out works to the public realm. A letter of consent was submitted in this regard. The planning authority have not raised concern with regards this matter. I am satisfied and note that as in all such cases, the caveat provided for in Section 10(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

Conclusion

11.10.29 To conclude, I am satisfied that the proposal is acceptable in terms of numbers of spaces for car and bicycle parking, as well as the modifications to specified junctions, having regard to the accessible location of the site and its proximity to public transport, together with section 28 ministerial guidelines which allow for reduced standards of parking at certain appropriate locations. I do not have undue concerns in relation to traffic or transportation issues. The Transport Division of the planning authority are generally satisfied in this regard and conditions have been recommended. I am of the opinion that the matters raised by the planning authority in this regard could be adequately dealt with by means of condition. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic hazard or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

11.11 Drainage and Flood Risk

Drainage

11.11.1 Almost all of the third party submissions received raise concern regarding impacts of the proposal on the existing drainage capacity of the area, together with concerns regarding flooding.

11.11.2 It is noted that there are no natural watercourses on or adjacent to the subject site. In terms of site services, new water supply and wastewater connections are proposed. As existing, public foul, storm and water services are located adjacent to the site in

both St Gabriel's Road and Seafield Road East. There is also a storm sewer and water supply adjacent to the site at Dollymount Park. The nearest public foul on Dollymount Park is approximately 100m from the site. The planning authority state that there is an existing public surface water sewer running through the site. All storm water from the area is collected in two existing storm sewers which run along Seafield Road East prior to discharging to the sea at Clontarf Road adjacent to the timber bridge to Bull Island.

11.11.3 Separate foul and surface water drainage systems are to be provided in the proposed development. Foul drainage will generally discharge to the public foul sewer by gravity. Foul drainage shall be constructed in accordance with Irish Water Code of Practice for Waste Water Infrastructure. In terms of proposed water supply, the proposed development will be served with a 100mm diameter watermain connected to the existing water supply on Seafield Road East. The connection will provide potable water and serve fire hydrants on the perimeter of the building. Works from the existing water-main to the new building shall be constructed in accordance with Irish Water Code of Practice for Water Infrastructure. Storm drainage for the proposed development will discharge to the existing sewer. The proposed surface water system has been designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works. SuDS measures are proposed including blue roofs, green roofs and permeable paving.

11.11.4 An Irish Water CoF was submitted with the application, as required. It states that the proposed connections are feasible without infrastructure upgrade by Irish Water. Conditions are recommended. In addition, a Design Submission was included with the application, in which Irish Water state that they have no objections to the proposal. A submission received from Irish Water in response to this current application states that based upon the details provided by the developer, a connection from the development can be facilitated subject to flows (including any misconnections) being limited to 1.7l/s. Irish water have not expressed objections to the proposal, subject to conditions. This is considered acceptable.

11.11.5 A number of documents were submitted which deal with the matter of drainage and flood risk, including, inter alia, an Engineering Services Report and a Site Specific Flood Risk Assessment. The information contained within these documents appears reasonable and robust. The report of the Drainage Division of the planning authority,

as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions. Irish Water have no objections, subject to conditions. Notwithstanding the concerns expressed in the third party submissions received, I have no information before me to believe that the existing infrastructure does not have capacity to facilitate a development of the nature and scale proposed. Neither the planning authority nor Irish Water have expressed concerns in this regard. I am satisfied in this regard.

Flooding

11.11.6 The matter of flooding has been raised in most of the third party submissions received.

11.11.7 The contents of the submitted Site Specific Flood Risk Assessment appear reasonable and robust. The site is located approximately 300m inland from the Irish Sea at a minimum elevation exceeding 3.8m AOD. Some of the third party submissions received refute the claim in the submitted SSFRA that the site is not adjacent to tidal waters given its proximity to the sea. Given the 300m separation distance and the built, urban environment separating the site from the sea, I would not disagree with the opinion of the applicants in this regard. The site is underlain by limestone and shale (Lucan Formation) with superficial deposits of till derived from limestone. The ground floor level of the proposed building will vary to suit existing road levels with a level of 7.2m (AOD) at Dollymount Park reducing to 5.8m (AOD) adjacent to Seafield Road East. The basement car park will have a level of approximately 2.4m (AOD).

11.11.8 The proposed development is residential in nature which is considered to be a 'highly vulnerable development'. The proposed development is located within Flood Zone C and therefore the proposed development is deemed 'Appropriate' in accordance with OPW guidelines. A Justification Test is therefore not required. The site is located outside the area deemed to be at risk of coastal, fluvial and pluvial flooding for all annual exceedance probabilities. Details of a previous flood event on Seafield Road East on 23rd August 2004 are noted. There are no more recent flood events recorded in the immediate vicinity of the proposed development, although some residents refute this. The matter of there being no flood event on Seafield Road East since 2004 correlates with information contained on www.floodinfo.ie, which I have

examined. In relation to the flood event in 2004, the website notes that a number of defence assets were put in place since one or more of the flood events described by this item. It appears that the flooding was associated with surcharging of the public combined/foul sewer at Seafield Road East. This may have been due to a localised blockage or silt in pipework. The applicants contend that the absence of any flooding in the area since 2004 suggests that the event of 23rd August 2004 was abnormal and extreme in nature. They continue by stating that it also confirms and that the remedial works implemented following the storm were successful in preventing a re-occurrence. I would agree with this assertion.

11.11.9 In terms of climate change, the lowest ground floor level of the building (and all penetrations into the basement) has been set at 5.8m providing a 'freeboard' of almost 2.4m above predicted coastal flood levels for the 0.1AEP / 1-in-1000 year event. This ensures that a significant level of protection is provided for future sea level changes above the predicted levels which could result from climate change.

Conclusion

11.11.10 I note that this is a serviced, appropriately zoned site at an urban location. The planning authority has raised no concerns in relation to this matter, subject to conditions. Irish Water have not raised concerns in relation to this matter, subject to conditions. I note that permission was previously granted for a development that included a basement level (PL29N.233260). Based on all of the information before me, including the guidance contained within the relevant Section 28 guidelines, I am satisfied that the site can be serviced adequately and that the proposed development will have no adverse effects on the surrounding area, subject to standard drainage conditions.

11.12 Biodiversity

11.12.1 A number of documents relating to biodiversity matters have been submitted with the application including Badger Mitigation Plan, Ecological Impact Assessment and Outline Invasive Species Management Plan. An Appropriate Assessment Screening & Natura Impact Statement were also submitted with the application. Surveys of the proposed development site were conducted in January 2020, February 2020, April and July 2020. The habitat and flora surveys and mapping were updated in April 2021.

11.12.2 It is highlighted to the Board that the matter of ecology/biodiversity has been raised in almost all of the submissions received. In summary, concerns relate to tree removal, impacts of proposal on badgers; impacts on bats, birds and other wildlife on the site. Concerns regarding impacts on designated natura sites and Dublin Bay biosphere have also been raised. I shall deal with the matter of designated sites within the Appropriate Assessment section below.

11.12.3 I have considered all of the written submissions made in relation to biodiversity including the third party submissions and the submission from the Department of Housing, Local Government and Heritage. The Parks Division of the planning authority express concerns in relation to the proposed development, in particular with regards impacts on badgers and extent of tree removal. They recommend a refusal of permission in this regard. However, the planning authority in their Chief Executive Opinion state that on balance, it is considered that the proposed development is acceptable in biodiversity terms having regard to the suburban context and the zoning of this site which allows for potential residential development; the submitted ecological impact assessment which anticipates no significant effect on bats and birds; the provision of an artificial badger sett; and the scope to apply a condition requiring approval from the National Parks and Wildlife Service for the proposed removal and proposed mitigation of the existing badger sett.

11.12.4 The detailed report received from the Department of Housing, Local Government and Heritage is noted in relation to nature conservation. I shall deal with aspects of this report throughout the assessment. However, I highlight to the Board that the Department are generally satisfied with regards the proposal put forward in terms of nature conservation and have attached recommended conditions, in the event of a grant of permission.

Tree Removal

11.12.5 I refer the Board to the submitted Arboricultural Assessment, together with the contents of the EclA and landscaping plans/drawings. In the interests of clarity, contrary to some of the submissions received, I highlight to the Board that there are no Tree Preservation Orders pertaining to any of the trees on this site.

11.12.6 It is noted that there are no 'Category A' trees on site- the vast majority are 'Category B' and 'Category C'. A total of 29 trees are proposed for removal (52% of the overall population). Of the 29 trees proposed for removal, the following is noted:

Table 12:

Category	Number Proposed for Removal
Category U	6 (with 1 remaining)
Category A	0
Category B	8 (with 26 remaining)
Category C	15 (with 7 remaining)

11.12.7 The loss of the above tree vegetation is to be mitigated against with landscaping comprising of new native planting of tree, shrub and hedgerow that will complement the development and help to provide good quality and sustainable long-term tree cover.

11.12.8 This matter has been raised as a concern in almost all of the third party submissions received. It appears to me that many of the submissions received are of the opinion that all trees are being removed from the site. Many would also appear to be of the opinion that the mature holm oak trees along the eastern boundary of the site are being removed. This is not the case. The tree lines on the boundaries of the site will generally be retained. The proposed development will result in the removal of 100m of treeline/hedgerow habitat from the western boundary of the proposed development site and removal of an internal hedgerow of 30m in length. The treeline along the eastern boundary composed predominantly of mature holm oak trees with a few Monterey Cypress trees will be retained except for removal of Monterey Cypress trees, as advised by the arborist. The tree line /hedgerow along the southern boundary of 50m in length will also be retained.

11.12.9 The removal of the treeline along the western boundary and hedgerow habitat is considered in the EclA to be significant at site scale only. This treeline along St Gabriel's Road is composed predominantly of non-native species. It has some local value as potential nest sites for bird species and bat roosts. It is not well connected with other treelines or gardens in the area other than the treeline along the southern

boundary and therefore there will be no significant fragmentation of local habitats or significant loss of wildlife commuting corridor.

11.12.10 The development will result in the permanent removal of approximately 4000m² of scrub habitat, composed of common and widespread native and non-native plant species. The main ecological value of the scrub is its value to local wildlife. There are no protected, rare or threatened flora species identified on site.

11.12.11 Some of the third party submissions received raise concerns regarding tree protection, namely that it is uncertain/unclear. A Tree Protection Plan has been submitted with the application documentation (Dwg. SFR002). The matter has also been dealt with within the submitted Arboricultural Assessment. The contents of this appear reasonable. If the Board is disposed towards a grant of permission, a condition should be attached to any such grant regarding tree protection measures.

11.12.12 The Department of Housing, Local Government and Heritage notes the removal of trees and hedgerow on site. They acknowledge that the tree lines on the boundaries of the site will generally be retained. They do not raise concern in this regard.

Fauna

11.12.13 A pygmy shrew was recorded on the site and is confirmed to occur on the site. Concerns have been expressed in some of the third party submissions regarding the impact of the proposed development on the pygmy shrew. I note that the pygmy shrew is a protected species under the provisions of the Wildlife Acts 1976, as amended. I also note that the pygmy shrew is not a Qualifying Interest for any of the nearby designated sites. The EclA states that the proposed development site provides suitable habitat for hedgehog and pygmy shrew which are widespread species occurring in scrub, woodland and grasslands habitats. There is considered to be a small population of pygmy shrew on site, which is limited by the small site. This population is not considered to be important at the local level due to availability of suitable habitat and it is anticipated to be common and widespread in mature gardens in the wider area. The Badger Refuge Zone and the retained holm oak treeline will retain a small area on site for pygmy shrew. The planning authority have not raised concerns in this regard. The Department have not raised concern in this regard.

11.12.14 Hedgehog are not confirmed to occur on the site. There were no recordings of hedgehog on any trail camera footage of the sett or the badger trails.

Notwithstanding this, there may be a small population of hedgehog, however its population size is limited by the presence of badger. Red squirrel were not observed on the proposed development site during any of the ecological surveys. Pine marten are unlikely to occur on the site as the habitat is not particularly suitable for this species. The species is generally associated with forest cover. There are no ponds or drainage ditches on or adjacent to the site and therefore no suitable breeding habitat for smooth newt or common frog.

11.12.15 The site is also used by foxes and they were recorded at the main sett and entering and exiting the site during trail camera monitoring and during direct watches. Foxes may use the sett as well as badgers and a potential fox den was recorded along the Holm oak treeline. Foxes are common and widespread in urban habitats and are not a protected species.

11.12.16 Bird species recorded during the ecological surveys are set out in Table 15 of the submitted ECIA. All birds are commonly occurring in urban areas and no species associated with the designated European sites were observed. I note that there is suitable nesting and foraging habitat on and adjacent to the site for a range of passerine bird species. One active nest was confirmed on the site- a wren's nest located in a crevice on a holm oak tree along the eastern boundary. Concerns have been expressed in some of the third party submissions received regarding impacts of the proposal on the wren. No red listed species were recorded on the site. There is no suitable nesting or foraging habitat on the site for gull species. Two amber listed species, swallow and starling, were recorded foraging over the site. There is no suitable nesting habitat for swallows on the site. Two amber listed gull species were recorded flying over the site.

11.12.17 The submitted ECIA states that the proposed development is anticipated not to have a significant effect on the local conservation status of any of the bird species concerned due to the fact that the site supports common and widespread species which are not of high conservation concern, together with the fact that there is suitable habitat available in parks and mature gardens in the vicinity of the site.

11.12.18 The Department of Housing, Local Government and Heritage note that all of the bird species found on site are species commonly occurring in urban areas. They acknowledge that some are likely to be displaced as breeding species in the short term due to planned removal of vegetation. However, in the longer run, the 68 retained trees together with the new shrubs and hedges to be incorporated in the landscaping of the proposed development, should provide some compensatory nesting habitat. They acknowledge that clearance of vegetation on site during the bird breeding season could however lead to the direct destruction of eggs and nestlings. In the event of planning permission being granted for the proposed development, they recommend this matter could be dealt with by means of condition. I would concur.

Bats

11.12.19 Three bat surveys were undertaken in 2020 and 2021. Bat activity on the site was low during the three dusk surveys, despite the availability of suitable habitat within the site. The submitted EclA states that this low level of activity is not unexpected due to the location of the site within a densely populated residential area, within 500 metres of the coast.

11.12.20 I note that all Irish bat species are protected under the Wildlife Act (1976) and Wildlife Amendment Act (2000).

11.12.21 Species detected were common pipistrelle, soprano pipistrelle and Leisler's bat. The species detected during all surveys are common and widespread in Ireland. There was no evidence of bats using any of the trees on the site for roosting. The retention of the mature holm oak trees along the eastern boundary of the site will provide feeding and commuting opportunities both during the construction and operation of the proposed development. No significant effect on the conservation status of the local bat population is anticipated.

Badgers

11.12.22 A main badger sett was found on the site, comprising a burrow system with four visible entrance holes. In the spring of 2020 trap cameras installed at this sett recorded its regular use by a sow and two cubs, with another adult sometimes present. On one occasion six badgers were recorded at this sett. In April 2021, a sow, two cubs, and two yearling badgers were found to be resident at this sett, with a

maximum of six badgers identified one evening. Another burrow located at the north east corner of the development site has been identified as a possible annex sett, while it is considered possible that other burrows used by badgers may lie concealed under the thick scrub cover on the site.

11.12.23 A Badger Mitigation Plan was submitted with the documentation application, which was drawn up following on-site consultation with the National Parks and Wildlife Service (NPWS). A series of surveys carried out at the development site and in the wider local area during Spring 2020, November 2020 and Spring/Summer 2021. An artificial badger sett is proposed to be constructed in a Badger Refuge Zone at the southern end of the development site adjacent to Seafield Road East. A design for this sett and protection measures for the refuge zone are set out in the Badger Mitigation Plan, and the proposed location of the set will ensure badgers inhabiting it continued access to what are apparently the current preferred foraging grounds of the badgers living on the development site in the gardens of houses on the opposite side of Seafield Road East. It is proposed to construct the artificial sett at least six months before the exclusion of badgers from the main sett on the development site, which is to be achieved using one way gates. Once it is certain the badgers have been successfully excluded from this sett, it will be destroyed. The annex sett or any other sett identified on the careful clearing of vegetation from the development site is to be treated similarly.

11.12.24 The Parks Division of the planning authority notes that the proposed development displaces badgers from their existing sett and affects their normal foraging routes; the submitted badger mitigation plan would need to be approved by NPWS prior to permission being granted; the badger refuge area outlined would need to be secured and planting put in place prior to commencement of works, and not post construction; and greater detail would be required about safeguarding the setts, refuge area, and movement corridors post construction. On balance, the planning authority, as set out in the Chief Executive Opinion, is satisfied in this regard.

11.12.25 Section 8.4 of the submitted EclA sets out potential effects on badgers and this is noted. It concludes that no significant negative effect on badgers is anticipated in the event of successful relocation of badgers to an artificial sett; the residual effect is anticipated to be short term adverse effects on badgers due to residual

disturbance impacts during the construction phase. It acknowledges that should the badgers leave the artificial sett due to construction related disturbance, there is potential for anticipated short term up to medium term significant negative effect on the local badger population. I highlight this matter to the Board. However, the local badger population is anticipated to recover in the short to medium term in this event.

11.12.26 I acknowledge that the badger is protected under section 23 of the Wildlife Acts, 1976 to 2021. In addition, their setts are protected, under Subsection (5)(d) of this aforementioned section.

11.12.27 A detailed report has been received from the Department in this regard and I refer the Board to same. The report states that by the provision of an artificial sett on part of the development site, and the allowing habituation of the badgers to it for a considerable time before the exclusion and removal of their existing sett, it is considered that the badgers are being provided with the option of continuing to use the development site. Alternatively the badgers may move to another sett which it seems likely they may have elsewhere within their territory, probably in the garden of a private house. Their report states that while badgers are a protected species, they remain a common mammal. Although relatively uncommon in built up areas, in some sections of Dublin city and suburbs, including Clontarf, they appear to be actually increasing in numbers in recent years, possibly having become more adapted to urban living. In the case of Clontarf, this may also be because the availability of habitat very suitable for badgers in nearby St. Anne's Park has allowed a build-up in their numbers and subsequent spread into neighbouring areas. The Department are of the opinion that it would seem very unlikely that the current sett on the development site existed when the original Redcourt house on this site was occupied, and it is likely that this sett was only established sometime in the last twenty years after this house became derelict and was demolished. The Department are of the opinion, that in the context of this current application, the removal of the main badger sett on the development site (and any other setts which may be present) to facilitate the development proposed is justified and should not threaten the conservation status of this species. The report of the Department continues by stating that if carried out in line with the proposals set out in the Badger Mitigation Plan, they consider that the removal of the badgers from the existing sett can be achieved without undue risk of injury to badgers either from the methodology to be

employed or the increased exposure of these animals to other hazards such as traffic accidents. The Department considers however that the period of time it is intended to monitor the artificial sett after the completion of development works should be extended to four years rather than the 12-24 months currently proposed. This is noted.

11.12.28 I note the concerns of the third parties and the Elected Members in relation to impacts on the existing badgers utilising the site. I also note the report of the planning authority in this regard, together with the inter-departmental report of the Parks Division. The report of the Department of Housing, Local Government and Heritage is also noted in this regard. I have examined all of the information on file in this regard. I acknowledge the protected status of the badger. I am satisfied with the proposal before me in relation to the creation of an artificial sett and the relocation of the badger population within the site. I concur with the opinion of the planning authority that a balance needs to be achieved between developing this zoned, urban site in a time of an acknowledged housing crisis with protecting the species that currently inhabit the development site. I consider that this is being appropriately achieved in this instance. I am of the opinion that if the Board is disposed towards a grant of permission, the matter of increased duration of monitoring the artificial sett could be adequately dealt with by means of condition.

Invasive Species

11.12.29 An Outline Invasive Species Management Plan was submitted with the application documentation. Two alien invasive plant species have been identified on the site which are listed on the Third Appendix to the European Communities (Birds and Habitat) Regulations, 2011, (Statutory Instrument S.I No. 477 of 2011). These comprise a single small specimen of the shrub species sea buckthorn, and a colony of three-cornered garlic of less than 1 sq. m in extent recorded in April 2020, which could not be found again in April 2021. Another alien species, the winter heliotrope, occurs in some quantity on the development site, but this species is not subject to legal control under the above Regulations. An Outline Invasive Species Management Plan supporting this application proposes various options for the appropriate handling of these alien species during these removal operations. I am generally satisfied in this regard. The submission received from the Department of Housing, Local Government and Heritage notes the presence of these invasive species and

the submission of the Outline Invasive Species Management Plan. They have not raised concern in this regard.

UNESCO Biosphere

11.12.30 Dublin Bay has recently been awarded a UNESCO Biosphere designation, which aims to promote biodiversity management at ecosystem level. Concerns have been raised in some of the submissions received that the proposal would have negative impacts on this biosphere.

11.12.31 The attention of the Board is drawn to the submitted EclA where the Dublin Bay biosphere has been examined.

11.12.32 I note the scale of the development, location of the site which is zoned for development in the operative City Development Plan, the previous use of the site for residential development and the proposal to integrate ecological features, designated open space and landscaping into the proposed development. As a result, I do not consider the proposal will have a significant negative long term impact on the biodiversity of the site or any designation for Dublin Bay. The Board is also referred to the appropriate assessment section below.

Conclusion

11.12.33 I note the comments of the third party submissions in this regard, together with those of the Elected Members. I also note the reports of the planning authority and the Department of Housing, Local Government and Heritage. Having regard to all of the above, I am of the opinion that impacts on biodiversity would not be so great as to warrant a refusal of permission. See section 12 below in relation to Appropriate Assessment. The trees retained within this site area are those of most value in terms of streetscape/visual amenity. The landscaping proposed is of a high quality; compensatory planting is proposed. The proposed mitigation and monitoring measures are noted. Proposals put forward in relation to badgers are considered reasonable. The clearance of scrub and other vegetation that may be suitable for use by nesting birds will be undertaken outside the bird nesting season. A Tree Protection Plan forms part of the documentation submitted with the application and I am generally satisfied with the measures proposed, subject to condition. No significant effect on the conservation status of the local bat population is anticipated.

11.12.34 I am generally satisfied in this regard.

11.13 Other Matters

Childcare Facilities and Schools

11.13.1 The matter of the lack of provision of a childcare facility has been included in many of the third party submissions received. Many of the third parties have raised concerns regarding the capacity of existing facilities to cater for the demand. Similar concerns have been raised in relation to school places. A School and Childcare Demand Assessment has been submitted with the application, which states the resulting number of school age children would be c. 34 no. and the resulting number of children for childcare 0-4 years (6% of this population) would be c. 12 no. if the proposed development were constructed. When omitting the studio and one-bed units, as per national guidance, the requirement for the proposed development would be 21.6 childcare spaces. The applicants state that there are 16 no. facilities identified that provide more than 640 no. spaces for children 0-6 years of age for both full-time and sessional care. The applicant contends that given the limited number of places generated by the proposed development, it is reasonable to make a strong case that the childcare place requirement for the proposed development would be capable of being met from the within the existing provision in the area and for the non -provision of a childcare facility within the proposed development. It is also considered that a childcare facility which provides in the order of 20 no. spaces would not be commercially viable and would be a challenge from a commercial viewpoint. This is considered reasonable. It is therefore considered that there is justification in this instance for not providing a childcare facility as part of the proposed development. It is noted that the submitted analysis does not provide data on vacancy rates within these existing childcare facilities. One of the third party submissions received states that two of the listed facilities are no longer in operation. This is noted and highlighted to the Board.

11.13.2 In terms of school provision, the submitted School and Childcare Demand Assessment states that there are 25 no. primary schools and 7 no post-primary schools within the Killester-Raheny-Clontarf School Planning Area. I note the presence of one primary school 'Belgrove' on Seafield Road East. The applicants contend that the likely demand for school places resulting from the proposed development can adequately be absorbed by the existing available school places at

both primary and post-primary levels within the school planning area within which the proposed development is located and the wider catchment. I note that the Department of Education and Skills did not make any submission on this application.

11.13.3 While noting the contents of the School and Childcare Demand Assessment in relation to childcare and school provision, the planning authority do not make comment. Given the BTR nature of the development; the mix of units proposed; the locational context of the site within an established area, I am generally satisfied in this regard and consider the non-provision of a childcare facility to be acceptable in this instance. I have no information before me to believe that existing school provision in the locality could not cater for the proposed development.

Property Depreciation

11.13.4 Some of the third party submissions received have expressed concerns that the proposed scheme would depreciate the value of property in the vicinity. I have no information or evidence before me to believe the proposed development, if permitted would depreciate the value of property in the vicinity.

Wind Impacts/Tunnelling

11.13.5 The planning authority have not raised any concerns in this regard. This is a matter that has been raised in many of the third party submissions received. The matter does not appear to be addressed in the submitted documentation. Notwithstanding this, I am of the opinion that given the location of the site, the most common winds are expected to be from the southwest and west. Given the maximum height of the proposed development, I would not expect issues of wind tunnelling to arise nor would I expect impacts of wind to be so great as to warrant a refusal of permission. I would not envisage that the proposed development would lead to an environment which is unpleasant to use and consider that the locational context, height and layout of the proposed scheme is such that it would be typical of, and consistent with, buildings of a similar scale and design in the Dublin metropolitan area.

Archaeology

11.13.6 The report of the City Archaeologist is noted which states that the site of the proposed development is located approximately 60m to the south of the Zone of Archaeological Constraint for Recorded Monument DU014-016 (mound), which is subject to statutory protection under Section 12 of the National Monuments

(Amendment) Act 1994 (see Figure 1). Further, the site in question is located approximately 60m south to the Zone of Archaeological Interest in the Dublin City Development Plan 2016-22.

11.13.7 It is noted that the application documentation does not contain an archaeological report nor does it propose an archaeological mitigation strategy for the site. The City Archaeologist states that the site has potential for subsurface archaeological remains to survive within the footprint and further that the remains of 19th century 'Redcourt' house should be subject to an archaeological desktop assessment and considered for preservation by record prior to its permitted removal. The City Archaeologist recommends that an archaeological assessment of the development site be undertaken, preferably in advance of the grant of permission, after which, testing may be required to determine the subsurface archaeological potential and devise an appropriate mitigation strategy. The submission from the Department of Housing, Local Government and Heritage notes the non-submission of an archaeological assessment and recommends a condition relating to pre-development testing in the event of a grant of planning permission for the proposed development.

11.13.8 Having regard to all of the above, I am of the opinion that, in the event of a grant of permission for the proposed development, that the matter of archaeology could be adequately dealt with by means of condition.

Community Infrastructure Statement

11.13.9 Many of the third party submissions received raises concerns with regards the capacity of existing services and facilities to accommodate the proposed development. There are also queries raised as to if the local community will have access to amenities within the development, in particular the proposed gym and access arrangements in relation to same. The proposed residential support facilities/tenant amenity facilities, together with private and communal open spaces will be for use solely for residents of the proposed development. This is considered reasonable. It is stated within the Architectural Design Statement that while primarily for residents, the development management company may wish to open this facility to the public also. No further details appear to have been submitted in this regard. If the Board is disposed towards a grant of permission, I consider that this matter could be adequately dealt with by means of condition. I note that one of the submissions

received state that if the proposed gym is to be a commercial offering, then an incorrect/inadequate planning fee has been paid. The attention of the Board is drawn to this matter. I am of the opinion that a condition could be attached to any grant of permission which states that the proposed gym be used solely for the residents of the proposed scheme, unless altered by a further grant of permission. The public open space provision will be available to the wider public.

11.13.10 It is noted that a Community Infrastructure Statement was submitted, as per Development Plan requirements. The information contained therein is noted. I am generally satisfied based on the information before me that the area has sufficient local social and community infrastructure to absorb the increase in population generated as a consequence of this proposed development. As I have stated above, this is an established part of the city, in close proximity to established services and facilities including retail, educational, sporting and a wide range of employment generating uses. It is within walking distance of public transport facilities, a short distance from Dublin city centre. I have no information before me to believe that the existing social infrastructure in the area does not have capacity to absorb a development of the nature and scale proposed.

Part V

11.13.11 It is proposed that the provisions of Part V of the Planning and Development Act, 2000 (as amended) will be satisfied by the transfer of 13 no. units to the planning authority, namely 8 x one-bed units and 5 x two-bed units. The planning authority have not expressed concerns in this regard and state that the applicant has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site, if permission is granted. I note the changes to the Part V legislation since the making of this application and I note that it is not clear from the application documentation when the applicant purchased the lands. I recommend that the matter of Part V be dealt with by means of condition, if the Board is disposed towards a grant of permission. Details of compliance can be dealt with by the planning authority, or ABP, in case of disagreement. In any event, the applicant will be obliged to comply with these new requirements as amended. I have no issue in relation to this matter.

Plant/Machinery at Roof Level

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

Waste

11.13.13 An assessment of waste management during both the construction and operational phase of the development was undertaken. A Preliminary Construction and Demolition Waste Management Plan, together with Preliminary Construction & Environmental Management Plan are referenced. The matter was also addressed in the submitted Traffic and Transport Assessment.

11.13.14 During the construction phase, typical construction and demolition waste materials will be generated, which will be source segregated on-site and removed by suitably permitted waste contractors to authorised waste facilities. Where possible, materials will be reused on-site.

11.13.15 The Transportation Planning Division of the planning authority state that it is unclear if the waste stores at basement and ground floor are of adequate capacity to cater for development scale. Encroachment of refuse bins onto public pavements would not be acceptable to their Division. The Board is advised that this matter could be adequately dealt with by means of condition, if they were disposed towards a grant of permission. The submission of an Operational Waste Management Plan could also be dealt with adequately by means of condition.

Inconsistencies/Typographical Errors

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

11.13.17 One of the third party submissions received stated that they could not read the Appropriate Assessment information online. I can confirm that I had no difficulty accessing this information on <https://redcourtclontarf.wixsite.com>.

Universal Design Statement

11.13.18 One of the submissions received stated that a Universal Design Statement was not submitted with the application documentation. This is incorrect and I note a Universal Design Statement has been submitted with the application documentation. I am generally satisfied in this regard.

Public Health

11.13.19 Some of the submissions received refer to the health implications of residents sharing internal communal areas in light of the current public health situation. The management of the proposed facility in such circumstances, or similar circumstances, will be a matter for the applicants to address, in light of public health advice pertaining at that time.

Procedural Matters

11.13.20 One of the third party submissions raises concern regarding the location of the site notices. I note that their location is demarcated on Dwg No. A1516-03-000 (Urban Place Map Extract OS Map). I am satisfied with the locations identified. It appears that the applicants complied with the provisions of article 292 and 293 of the Planning and Development (Strategic Housing Development) Regulations 2017.

12.0 Appropriate Assessment

Introduction

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

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

Compliance with Article 6(3) of the EU Habitats Directive

- 12.2 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 12.3 The proposed development at Seafield Road East, Clontarf, Dublin 3, a residential development comprising 131 residential units, located approximately 243m from the coast, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 12.4 Context
- 12.4.1 The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.
- 12.4.2 An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. The screening is supported by associated reports, including ecological field surveys involving habitat survey and mapping, bird survey, bat survey, mammal survey, examination of badger evidence/sightings, Site Specific Flood Risk Assessment, Preliminary Construction

and Environmental Management Plan, Landscape Design Rationale and External Lighting Report.

12.4.3 The AA Screening Report notes that this assessment was reached without considering or taking into account mitigation measures or protective measures included in the construction management plans or invasive species management plan prepared for the proposed development. The AA Screening Report concludes that:

‘On the basis of objective information, it cannot be concluded at screening stage that the proposed development either alone or in combination with other plans and projects will not result in a significant effect on the following European sites: • North Dublin Bay SAC (000206) • Rockabill to Dalkey Island SAC (003000) • Lambay Island SAC (00204) • North Bull Island SPA (004006) • South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) • Dalkey Islands SPA (004172) • Howth Head Coast SPA (004113) • Islands Eye SPA (004117) • Lambay Island SPA (Site Code: 004069). Therefore these 9 European sites were screened in for appropriate assessment’.

12.4.4 It continues by stating that ‘Potential impacts are primarily related to the potential transfer of pollution and/or sediments to North Dublin Bay via existing surface water drainage infrastructure and the discharge of wastewater from Ringsend Wastewater Treatment Plant. Potential impacts from the spread of invasive plant species were also identified. In addition, the potential for construction noise disturbance to the Special Conservation Interests (SCIs) of North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA to arise as a result of construction activities requires assessment’.

12.4.5 Having reviewed the documents, all submissions, and the report of the Department of Housing, Local Government and Heritage, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I highlight to the Board however that there are some inconsistencies/errors throughout the Appropriate Assessment Screening & Natura Impact Statement. They are not material in nature and do not have a material impact on my recommendation.

12.5 Appropriate Assessment Screening

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

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

12.6 Brief Description of Proposed Development/Site

12.6.1 The proposal comprises a residential development of 131 residential units (see section 3 above for a detailed description of the proposed development). The site is brownfield in nature, a house previously located on the site is now demolished. The land is currently unused and overgrown. The site was surveyed in 2019, 2020 and 2021. The site is located approximately 243m directly west of the boundary with the North Dublin Bay SAC and North Bull Island SPA

12.6.2 The site is bordered by mature treelines along the western, southern and eastern boundaries while the internal area of the site is predominantly composed of scrub. The surrounding landscape is predominantly built land made up of residential development with mature gardens. Two invasive plant species were recorded on the site in very small amounts. A small patch of three-cornered garlic was recorded in 2020 along the southern boundary verge with the road (no more than 1m²). The species was not recorded there during surveys in 2021 and the submitted reports state that it may have been suppressed by other vegetation growth. Sea buckthorn was recorded under the eastern boundary holm oak treeline. One small immature shrub was recorded.

12.6.3 Bedrock geology is limestone while groundwater vulnerability for the site is classified as low.

12.6.4 In terms of water supply, the proposed development will be served with a 100mm diameter watermain connected to the existing water supply on Seafield Road East. In terms of foul drainage, Irish Water has advised that the proposed development should discharge to existing services on Seafield Road East. Storm drainage for the proposed development will discharge to an existing sewer on Seafield Road East.

The proposed surface water drainage system has been designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works. SuDS measures are proposed.

12.6.5 No surface watercourses or drainage ditches were identified adjacent or near the site during ecological field surveys. The closest watercourse is the Nanniken Stream, which is located approximately 1km north of the site. This stream discharges to the Tolka Estuary transitional water body in Dublin Bay south of Causeway Road.

12.6.6 The 'source-pathway-receptor' model was used to determine potential links between sensitive features of the natura sites and the source of the effects.

12.7 Submissions/Observations

12.7.1 The attention of the Board is drawn to the fact that concerns regarding impacts on the integrity of designated sites have been raised in many of the submissions received.

12.7.2 The planning authority in their Chief Executive Report note the submission of the AA Screening Report and NIS. They do make comment in this regard.

12.7.3 In relation to this matter, I note the detailed submission from the Department of Housing, Local Government and Heritage in relation to nature conservation. I refer the Board to the summary of this report above in section 9. In summary, the Department accepts the conclusion of the submitted NIS.

12.7.4 I have reviewed all submissions made and issues where relevant are addressed within my assessment hereunder.

12.8 Designated Sites and Zone of Impact

12.8.1 A potential zone of influence has been established having regard to the location of a European site, the Qualifying Interests (QIs) and SCIs of the sites and their potential mobility outside that European site, the source-pathway-receptor model and potential environment effects of the proposed project.

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

Table 13:

Site Name and Code Qualifying Interests/SCI Conservation Objectives	Distance from Dev Site	Screening Comment in submitted AA Screening Report
<p>South Dublin Bay SAC (Site Code 000210)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p>	<p>c.2.5km distant</p>	<p>Any potential effects from construction/operational phase pollution impacts are not anticipated to be significant beyond the tidal waters around North Bull Island due to the dilution and dispersion effect of marine water.</p> <p>Review of the EIAR for the Ringsend WwTP Upgrade plant indicates that main area of dispersal of the treated effluent from Ringsend WwTP is in the Tolka Basin and around the North Bull Island. South Dublin Bay is unaffected by effluent.</p> <p>No significant risk of spread of invasive plant species to this SAC due to remote distance both overland and via the hydrological pathway.</p> <p>This site is not considered further by the applicant</p>
<p>North Dublin Bay SAC (Site Code 000206)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p>	<p>c.0.243km distant</p>	<p>Potential for significant effect on habitats influenced by tidal waters, either alone or in combination, due to pollution or sedimentation arising from either the construction/operational phase of the development.</p> <p>There is also a risk of potential spread of invasive plant species to this SAC.</p> <p>The applicants consider that North Dublin Bay SAC (Site Code 000206) requires further consideration.</p>

<p>Mediterranean salt meadows</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with white dunes</p> <p>Fixed coastal dunes with grey dunes</p> <p>Humid dune slacks</p> <p>Petalwort</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>		
<p>Baldoyle Bay SAC (Site Code 000199)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>c.5.3km distant</p>	<p>Located in different river sub basin catchment. Remote hydrological linkage to this site via marine waters only.</p> <p>No potential for pollution impacts to this SAC due to the hydrological distance and dilution and dispersal effect of marine waters.</p> <p>Saltmarshes are sensitive to invasive plant species spread. No significant risk of transfer of invasive plant species to this SAC due to remote distance both over land and via the hydrological pathway.</p> <p>This SAC is not considered to be within the zone of influence of construction/operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>

<p>Howth Head SAC (Site Code 000202)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>European dry heaths</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitats for which the SAC has been selected.</p>	<p>c.5.8km distant</p>	<p>Located in different river sub basin catchment.</p> <p>Remote hydrological linkage to this site via marine waters only.</p> <p>Qualifying interests (QI) are terrestrial habitats not effected by marine water quality.</p> <p>QI are sensitive to invasive plant species spread. No significant risk of transfer of invasive plant species to this SAC due to overland and hydrological distance and the lack of any other obvious pathway for transmission.</p> <p>This SAC is not considered to be within the zone of influence of construction phase or operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>
<p>Malahide Estuary SAC (Site Code 000205)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the Annex I</p>	<p>c.8.7km distant</p>	<p>Located in different river sub basin catchment.</p> <p>Remote hydrological linkage to this site via marine waters only.</p> <p>No potential for pollution impacts due to the hydrological distance and dilution and dispersal effect of marine waters.</p> <p>Vegetated sea cliffs are not a sensitive receptor to water quality.</p> <p>QI are sensitive to invasive plant species spread. No significant risk of transfer of invasive plant species to this SAC due to remote distance both over land and via the hydrological pathway.</p> <p>This SAC is not considered to be within the zone of influence of construction/operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>

habitat(s) and/or the Annex II species for which the SAC has been selected.		
<p>Rockabill to Dalkey Island SAC (Site Code: 003000)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Reefs Harbour Porpoise</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p>	<p>C. 6.2km distant</p>	<p>There is a low risk of transfer of pollution or sedimentation via tidal waters to the reef habitat at Howth Head.</p> <p>Potential for harbour porpoise to occur in the tidal waters of Dublin Bay and therefore potentially effected by a decline in ex situ habitat water quality from construction or operational phase pollution impacts.</p> <p>The applicants consider that Rockabill to Dalkey Island SAC (Site Code: 003000) requires further consideration.</p>
<p>Ireland's Eye SAC (Site Code 002193)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Perennial vegetation of stony banks Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p>	<p>c.8.9km distant</p>	<p>Remote hydrological linkage to this site via marine waters only.</p> <p>No potential for pollution impacts to this SAC due to the hydrological distance and dilution and dispersal effect of marine waters.</p> <p>QI are sensitive to invasive plant species spread. No significant risk of transfer of invasive plant species to this SAC due to remote distance both over land and via the hydrological pathway.</p> <p>This SAC is not considered to be within the zone of influence of construction/operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>
<p>Rye Water Valley SAC/Carton SAC (Site Code: 001398)</p> <p><u>Qualifying Interests/SCI</u></p>	<p>c. 21 km distant</p>	<p>Located within the same groundwater body (Dublin) as the proposed development site. Habitat (species) reliant on the maintenance of groundwater levels and suitable water quality.</p>

<p>Petrifying springs with tufa formation Narrow-mouthed Whorl Snail</p> <p>Desmoulin's Whorl Snail</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p>		<p>No significant change to groundwater levels and no significant risk of groundwater pollution at the SAC due to distance and groundwater flow anticipated to be towards the coast.</p> <p>This SAC is not considered to be within the zone of influence of construction or operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>
<p>Lambay Island SAC (Site Code: 00204)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Reefs Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>Grey Seal</p> <p>Harbour Seal</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the Annex I habitat(s) for which the SAC has been selected</p>	<p>c. 16.6 km distant</p>	<p>Remote hydrological linkage to this site via marine waters only.</p> <p>No potential for pollution impacts due to the hydrological distance and dilution and dispersal effect of marine waters.</p> <p>Harbour seal and grey seal are frequently seen in Dublin Bay. North Bull Island is also regularly used by grey and harbour seals to haul out. Therefore, harbour seal and grey seal could potentially be affected by a decline in ex situ habitat water quality from construction and/or operational phase pollution impacts.</p> <p>The applicants consider that Lambay Island SAC (Site Code: 00204) requires further consideration.</p>
<p>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p>	<p>c.0.294k m distant</p>	<p>No direct habitat loss.</p> <p>The proposed development site is not suitable for ex situ habitat for wintering birds being composed predominantly of scrub and treelines.</p> <p>No suitable ex situ habitat in the vicinity of the proposed development site that could be subject to disturbance impacts.</p> <p>No significant potential for fragmentation by interference with flight lines or collision risk.</p>

<p>Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetlands & Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>		<p>Existing treelines on the site are a similar height to the height of the building proposed.</p> <p>Potential for indirect effects due to a potential decline in transitional water quality which could effect habitat quality as a result of the construction/operational phase of the development due to discharge to surface water drainage infrastructure to Dublin Bay at Clontarf and Wastewater at Ringsend WwTP.</p> <p>Potential for noise disturbance to birds within the SPA during the construction phase requires assessment.</p> <p>Due to the proximity of the SPA there is a low risk of alteration of habitat due to the potential for spread of invasive plant species.</p> <p>The applicants consider that South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) requires further consideration.</p>
<p>North Bull Island SPA (Site Code 004006)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Light-bellied Brent Goose Shelduck Teal Pintail Shoveler Oystercatcher Golden Plover Grey Plover Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank</p>	<p>c. 243m distant</p>	<p>No direct habitat loss.</p> <p>The proposed development site is not suitable for ex situ habitat for wintering birds being composed predominantly of scrub and treelines.</p> <p>No suitable ex situ habitat in the vicinity of the proposed development site that could be subject to disturbance impacts.</p> <p>No significant potential for fragmentation by interference with flight lines or collision risk.</p> <p>Existing treelines on the site are a similar height to the height of the building proposed.</p> <p>Potential for indirect effects due to a potential decline in transitional water quality which could effect habitat quality as a result of the construction/operational phase of the development due to discharge from surface</p>

<p>Turnstone Black-headed Gull Wetlands & Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p>		<p>water drainage infrastructure to Dublin Bay at Clontarf and Wastewater at Ringsend WwTP.</p> <p>Potential for noise disturbance to birds within the SPA during the construction phase requires assessment.</p> <p>Due to the proximity of the SPA there is a low risk of alteration of habitat due to the potential for spread of invasive plant species.</p> <p>The applicants consider that North Bull Island SPA (Site Code 004006) requires further consideration.</p>
<p>Rogerstown Estuary SPA (Site Code 004015)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Greylag Goose Light-bellied Brent Goose Shelduck Shoveler Oystercatcher Ringed Plover Grey Plover Knot Dunlin Black-tailed Godwit Redshank Wetland and Waterbirds</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species for which the SPA has been selected.</p>	<p>c. 15 km distant</p>	<p>The proposed development site is not suitable for ex situ habitat for wintering birds being composed predominantly of scrub and treelines.</p> <p>No suitable ex situ habitat in the vicinity of the proposed development site that could be subject to disturbance impacts.</p> <p>No significant potential for fragmentation by interference with flight lines or collision risk. Existing treelines on the site are a similar height to the height of the building proposed.</p> <p>Remote hydrological linkage to this site via marine waters only. No potential for water quality impacts due to the dilution and dispersal effect of marine water.</p> <p>This SPA is not considered to be within the zone of influence of construction phase and/or operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>

<p>Malahide Estuary SPA (Site Code 004025)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Shelduck</p> <p>Pintail</p> <p>Goldeneye</p> <p>Oystercatcher</p> <p>Redshank</p> <p>Knot</p> <p>Bar-tailed Godwit</p> <p>Black-tailed Godwit</p> <p>Golden Plover</p> <p>Light-bellied Brent Goose</p> <p>Dunlin</p> <p>Grey Plover</p> <p>Red-breasted Merganser</p> <p>Great Crested Grebe</p> <p>Wetlands</p> <p><u>Conservation Objective:</u></p> <p>To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected</p>	<p>c.9.7km distant</p>	<p>The proposed development site is not suitable for ex situ habitat for wintering birds being composed predominantly of scrub and treelines.</p> <p>No suitable ex situ habitat in the vicinity of the proposed development site that could be subject to disturbance impacts.</p> <p>No significant potential for fragmentation by interference with flight lines or collision risk. Existing treelines on the site are a similar height to the height of the building proposed.</p> <p>Remote hydrological linkage to this site via marine waters only. Any potential effects from potential construction/operational phase pollution impacts are not anticipated to be significant beyond the tidal waters due to dilution effect of marine waters.</p> <p>This SPA is not within the zone of influence of construction phase or operational phase impacts.</p> <p>This site is not considered further by the applicant.</p>
<p>Ireland's Eye SPA (Site Code 004117)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Cormorant</p> <p>Herring Gull</p> <p>Kittiwake</p> <p>Guillemot</p>	<p>c.14.4 km distant</p>	<p>Development site or surrounding land does not provide suitable foraging habitat for the SCI species.</p> <p>Kittiwake and Herring Gull occasionally use buildings for nesting. Buildings in the vicinity of the development are very unlikely to be an important breeding site for Kittiwake or Gull at this distance from the SPA.</p>

<p>Razorbill</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>		<p>No potential for direct effects such as habitat degradation from pollution or invasive plant species spread due to remote distance from the proposed development site.</p> <p>Breeding seabird species forage over long distances and may use Dublin Bay foraging. Therefore there is a risk of ex situ foraging habitat degradation due to a risk of potential construction/operational pollution impacts associated with the surface water drainage discharging to North Dublin Bay and the wastewater discharge at Ringsend WwTP, alone or in combination, with other pressures on transitional water quality.</p> <p>The applicants consider that Ireland's Eye SPA (Site Code 004117) requires further consideration.</p>
<p>Howth Head Coast SPA (Site Code 004113)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Kittiwake</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>c.13.4km distant</p>	<p>Development site or surrounding land does not provide suitable foraging habitat for Kittiwake.</p> <p>Kittiwake occasionally use buildings for nesting. Buildings nearby are very unlikely to be an important breeding site for Kittiwake at this distance from the SPA.</p> <p>No potential for direct disturbance to birds within SPA from construction works due to the remote distance between the proposed development site and the SPA.</p> <p>Breeding seabird species forage over long distances and may use Dublin Bay foraging. Therefore there is a risk of ex situ foraging habitat degradation due to a risk of potential construction/operational pollution impacts associated with the surface water drainage discharging to North Dublin Bay and the wastewater discharge at Ringsend WwTP, alone or in combination with other pressures on transitional water quality.</p>

		<p>No significant risk of degradation of habitat due to invasive species spread due to the remote distance to this SAC.</p> <p>The applicants consider that Howth Head Coast SPA (Site Code 004113) requires further consideration.</p>
<p>Dalkey Islands SPA (Site Code 004172)</p> <p><u>Qualifying Interests/SCI</u></p> <p>Arctic Tern</p> <p>Common Tern</p> <p>Roseate Tern</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the species for which this SPA has been selected.</p>	<p>c.11 km distant</p>	<p>No risk of ex situ habitat loss.</p> <p>Development site or surrounding terrestrial habitats do not provide suitable foraging, roosting or nesting habitat for these breeding seabird SCI species.</p> <p>No potential for disturbance from construction works due to the remote distance between the proposed development site and the breeding sites at Dalkey Island.</p> <p>Sandymount strand and Dollymount strand are used for post-breeding staging sites. These locations are too far to be subject to disturbance impacts from construction at distances of 3km and 1.5km respectively.</p> <p>The SCI species forage widely including in Dublin Bay. Therefore there is a risk of ex situ foraging habitat degradation due to a risk of potential construction/operational pollution impacts associated with the surface water drainage discharging to North Dublin Bay and the wastewater discharge at Ringsend WwTP, alone or in combination with other pressures on transitional water quality.</p> <p>The applicants consider that Dalkey Islands SPA (Site Code 004172) requires further consideration.</p>
<p>Lambay Island SPA (Site Code 004069)</p>	<p>c.16.6km distant</p>	<p>No potential for direct effects such as habitat degradation from pollution or invasive plant</p>

<p><u>Qualifying Interests/SCI</u></p> <p>Fulmar</p> <p>Cormorant</p> <p>Shag</p> <p>Greylag Goose]</p> <p>Lesser Black-backed Gull</p> <p>Herring Gull</p> <p>Kittiwake</p> <p>Guillemot</p> <p>Razorbill</p> <p>Puffin</p> <p><u>Conservation Objective:</u></p> <p>To maintain or restore the favourable conservation condition of the species for which the SPA has been selected.</p>		<p>species spread due to remote distance from the proposed development site.</p> <p>Development site or surrounding terrestrial land does not provide suitable ex situ nesting or foraging habitat for the SCI species.</p> <p>Kittiwake and Herring Gull occasionally use buildings for nesting. Buildings in the vicinity of the development are very unlikely to be an important breeding site for Kittiwake or Gull species at this distance from the SPA.</p> <p>Seabird species forage over long distances and may use Dublin Bay foraging. Therefore there is a risk of ex situ foraging habitat degradation due to a risk of potential pollution impacts associated with the surface water drainage discharging to North Dublin Bay and the wastewater discharge at Ringsend WwTP, alone or in combination, with other pressures on transitional water quality.</p> <p>The applicant consider that Lambay Island SPA (Site Code 004069) requires further consideration.</p>
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I do not consider that any other European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances, the lack of suitable habitat for qualifying interests, and the lack of hydrological or other connections. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

12.9 Identification of Likely Significant Effects

12.9.1 In my opinion the screening undertaken by the applicant takes an excessively precautionary approach of the application, which is not warranted. Further to the assessment in the submitted Screening Report and given the location, nature and scale of the proposed project, the qualifying interests and SCIs of nine designated

sites are stated by the applicants to require further consideration. These are as follows:

- North Dublin Bay SAC (Site Code: 000206)
- Rockabill to Dalkey Island SAC (Site Code: 003000)
- Lambay Island SAC (Site Code: 00204)
- North Bull Island SPA (Site Code:004006)
- South Dublin Bay and River Tolka Estuary SPA (Site Code:004024)
- Dalkey Islands SPA (Site Code: 004172)
- Howth Head Coast SPA (Site Code: 004113)
- Ireland's Eye SPA (Site Code: 004117)
- Lambay Island SPA (Site Code: 004069)

12.9.2 I do not concur with the opinion of the applicants in this regard. I am of the opinion that three designated sites require further consideration, namely North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka SPA.

12.9.3 I am of the opinion that the following sites can be screened **OUT**:

- South Dublin Bay SAC (Site Code:004024)
- Howth Head SAC (Site Code: 000202)
- Baldoyle Bay SAC (Site Code:000199)
- Rockabill to Dalkey Island SAC (Site Code:003000)
- Malahide Estuary SAC (Site Code:002193)
- Ireland's Eye SAC (Site Code:002153)
- Lambay Island SAC (Site Code: 00204)
- Rye Water Valley/Carlton SAC (Site Code:001398)
- Baldoyle Bay SPA (Site Code: 004016)
- Malahide Estuary SPA (Site Code: 004025)
- Dalkey Islands SPA (Site Code: 004172)

- Howth Head Coast SPA (Site Code: 004113)
- Ireland's Eye SPA (Site Code: 004117)
- Rogerstown Estuary SPA (Site Code: 004015)
- Lambay Island SPA (Site Code: 004069)

12.9.3 I have examined all of the information before me. Many of the designated sites have been screened in by the applicant due to concerns that there is a risk of ex situ foraging habitat degradation due to a risk of potential pollution impacts associated with the surface water drainage discharging to North Dublin Bay and the wastewater discharge at Ringsend WwTP, alone or in combination, with other pressures on transitional water quality. Others have been screened in due to concerns regarding invasive species and noise disturbance to SCI birds.

12.9.4 I note the nature and scale of development proposed on a brownfield site, connected to mains drainage. I note the distance involved to many of these designated sites and the fact that there is no direct hydrological connection. With regards to the designated sites screened out above, I am of the opinion that the risk of contamination of any watercourse or groundwater is extremely low, and even in the event of an unlikely pollution incident significant enough to impact upon surface water quality on the proposed project site, this would not be perceptible in the European sites screened out above, given the distance involved, the occurrence of significant levels of dilution and mixing of surface and sea water and the fact that the construction phase would occur over a relatively short phase, with no possibility of long-term impacts. I note the construction practices proposed. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. Their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. In any event, if these practices were not applied or were applied and failed, I am still satisfied that there would unlikely be significant effects on these designated sites due to the nature and scale of the development proposed,

dilution effects, separation distances and the extent of intervening urban environment, together with the conservation objectives of the designated sites.

12.9.5 The subject lands do not overlap with or are not located directly adjacent to any European sites. None of the habitats within the lands are qualifying interests for any European sites within the vicinity. I am conscious of the possibility of indirect effects on wintering waterbird species that comprise the Special Conservation Interests (SCI) of the above SPA sites. Many of these SPA sites are designated for highly mobile bird species which utilise a range of resources throughout the SPA network of sites in Dublin Bay. However, during field survey visits, no evidence of special conservation interest species for which European sites within the vicinity have been designated, were recorded within the subject lands. I note that neither the development site nor surrounding terrestrial habitats provide suitable foraging, roosting or nesting habitat for these breeding seabird SCI species. In addition, there is no suitable ex situ habitat in the vicinity of the proposed development site that could be subject to disturbance impacts.

12.9.6 There are no surface water features within the subject lands.

12.10 Ringsend WWTP

12.10.1 The applicants identify potential effects in terms of foul drainage and Ringsend Wastewater Treatment Plant arising from the operational phase of the proposed development, including other future developments. They state that there is a potential risk of ex situ foraging habitat degradation due to a risk of potential pollution impacts associated with wastewater discharge at Ringsend WWTP. The applicant has screened in a number of designated sites for this reason.

12.10.2 I consider this to be an excessively precautionary approach and I do not concur with the opinion of the applicants in this regard. I note that the new foul drainage system for the development will connect to the Irish Water network and Irish Water have expressed no objections to the proposal, subject to conditions. Foul wastewater discharge from the proposed project will be treated at the Irish Water Wastewater Treatment Plant at Ringsend prior to discharge to Dublin Bay. The Ringsend WWTP operates under licence from the EPA (Licence no. D0034-01) and received planning permission (ABP Reg. Ref.: 301798) in 2019 for upgrade works. Regardless of the status of the WWTP upgrade works, the peak discharge from the proposed project is

not significant in the context of the existing capacity available at Ringsend and I have no information before me to believe that the treatment plant cannot accommodate the proposed development. I am satisfied based on the submission from Irish Water and all other information before me that the plant has the capacity to deal with the proposed development. I am satisfied that the project would have an imperceptible impact on the conservation objectives of the relevant European sites and I am satisfied that the in-combination effects of the Ringsend WWTP and the proposed project will not have an effect individually or together with other plans and projects. I am of the opinion that no designated sites should be screened in for this reason as there are unlikely to be significant effects on any designated site in this regard.

12.11 Invasive Species

12.11.11 I note that a small patch of three-cornered garlic was recorded in 2020 along the southern boundary verge with the road (no more than 1m²). The species was not recorded there during surveys in 2021 and the submitted reports state that it may have been suppressed by other vegetation growth. Sea buckthorn was recorded under the eastern boundary holm oak treeline. One small immature shrub was recorded. An Outline Invasive Species Management Plan has been submitted. Measures to eradicate the plant are not being undertaken to reduce or avoid any effect to a European site and so are not considered to be mitigation in an AA context. In the absence of any treatment, effects on European sites are not likely to arise from Three-Cornered Garlic and Sea Buckthorn. With regards to the designated sites I am screening out above, I am of the opinion that there is no significant risk of alteration of habitat due to spread of invasive plant species due to the remote distances involved. I am screening this out for all designated sites, apart from the three sites being screened in below, due to the nature and scale of the development proposed, distances from designated sites and the intervening urban environment; together with the conservation objectives of the designated sites. In this regard, the only reason I am screening in the other three sites is due to the distance involved-these are the 3 closest sites to the aforementioned designated sites. In terms of the designated sites being screened out, I am of the opinion that there are unlikely to be significant effects in this regard. I am satisfied in this regard.

12.12 Noise Disturbance

12.12.1 The potential for construction noise disturbance to the Special Conservation Interests (SCIs) of North Bull Island SPA and South Dublin Bay and River Tolka Estuary to arise as a result of construction activities has been identified as a potential effect in the applicants Screening Report. I do not concur with the conclusion of the Screening Report in this regard and again consider that an excessively precautionary approach has been taken by the applicant in this regard. I note the nature and scale of the development proposed, 131 residential units on a brownfield site. The site is located within an urban environment. The nature of the intervening urban space including busy roads and established development is noted. The development site is at a much greater remove from designated sites than other noise generating uses in the vicinity. It is my opinion that the SCIs associated with the designated sites would be accustomed to a certain level of noise, given the urban environment.

12.12.2 I note the construction practices proposed, which include for noise control monitoring and mitigation. These measures are included within the Preliminary Construction & Environmental Management Plan. In my mind they are not mitigation measures but constitute a standard established approach to construction works on such lands. They are best-practice measures and their implementation would be necessary for a housing development on any similar site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on such similar sites whether or not they were explicitly required by the terms or conditions of a planning permission. I am satisfied that the intention of the measures in question, are such, that they were adopted not for the purpose of avoiding or reducing the potential impact on the SCI of any designated sites but were adopted solely and exclusively for some other purpose, namely the protection of amenity at a local level. Even if these practices were not implemented or were implemented and failed, I am satisfied that given the nature and scale of the development proposed on a brownfield site; the nature of the urban environment, the distances involved and conservation objectives of designated sites, there are unlikely to be significant effects on any SCI species associated with designated sites as a result of noise disturbance.

12.13 Bird Strike

12.13.1 The possibility of interruption of flight lines of SCI bird species commuting to other ex situ feeding habitats within the area or on migration was examined. This has been raised as a concern in some of the third party submissions received. The height of the tallest building within the proposed development site is 18.1m (inclusive of the roof structure is 19.6m). There is an existing mature treeline along the eastern boundary of the proposed development site which will be for the most part retained. The height of the tallest trees along the eastern boundary ranges from 20-25m. The proposed building height is therefore a similar height to the existing trees on the site. Therefore, it is considered that there is no significant risk of alteration of flight lines with either the building structures or the EFTE roof structure based on the existence of a significant landscape feature already existing on the proposed development site of a similar height than the proposed buildings. To reiterate, there are unlikely to be significant effects on any SCI species associated with any designated sites in this regard. This has not been raised as a concern by the Department of Housing, Local Government and Heritage. It has also not been raised by the planning authority.

12.14 Screening Determination

12.14.1 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) that significant effect on three European Sites within Dublin Bay in view of the Conservation Objectives of those sites could not be ruled out, and Appropriate Assessment is therefore required for the following:

Table 14:

Site Name	Site Code	Distance
North Dublin Bay SAC	000206	c.243m
South Dublin Bay and River Tolka Estuary SPA	004024	c.294m
North Bull Island SPA	004006	c.243m

12.14.2 In a precautionary measure, I have screened in these three sites within Dublin Bay due primarily to their proximity to the development site. Potential impacts are

primarily related to the potential transfer of pollution and/or sediments to North Dublin Bay via existing surface water drainage infrastructure and via potential groundwater pathways. Due to the proximity of the development site to these above SPAs, there is also a low risk of alteration of habitat due to the potential for spread of invasive plant species because of the relatively short distances to the three natura sites.

12.14.3 The possibility of significant effects on all other European sites has been excluded on the basis of objective information. I have screened out all other European sites for the need for appropriate assessment, based on a combination of factors including the intervening minimum distances, the marine buffer/dilution factor, the insignificant increase in the loading at Ringsend Wastewater Treatment Plant, the lack of suitable habitat for a number of qualifying interests of SPAs within or within close proximity to the proposed development (as applicable) and the lack of hydrological connections. I am satisfied that there is no potential for likely significant effects on these screened out sites.

12.14.4 Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

12.14.5 I confirm that the sites screened in for appropriate assessment are included in the NIS prepared by the project proponent.

12.15 Stage 2- Appropriate Assessment

Introduction

12.15.1 The application included a NIS for the proposed development at Seafield Road East, Clontarf, Dublin 3. The NIS provides a description of the project and the existing environment. It also provides a background on the screening process and examines and assesses potential adverse effects of the proposed development on a number of European Sites (identified above). Section 7.1 outlines the characteristics of the relevant designated sites. Potential impacts arising from the construction and operational phases are outlined in section 7.2 and 7.3 respectively. Details of mitigation measures are outlined in section 8. In combination effects are examined within section 10 and it is concluded that significant in combination effects of the proposed project with other projects and plans are not likely.

12.15.2 The NIS concludes that with the implementation of the mitigation measures included in the design of the development and the implementation of preventative measures during the construction phase included in Section 8 of the Natura Impact Statement report, significant negative effects on the conservation objectives or site integrity of the European sites alone or in combination with other plans and projects are not likely.

12.15.3 The report received from the Department of Housing, Local Government and Heritage states that it accepts the conclusion of the NIS.

12.15.4 By applying a precautionary principle and on the basis of objective information, it is my opinion, that the designated sites within Dublin Bay in closest proximity to the development site, require further consideration only. Based on the above and taking a precautionary approach, I consider that it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 15:

Site Name	Site Code	Distance
North Dublin Bay SAC	000206	c.243m
South Dublin Bay and River Tolka Estuary SPA	004024	c.294m
North Bull Island SPA	004006	c.243m

12.15.5 Having reviewed the documentation available to me, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse affects of the development on the conservation objectives of the three European sites listed above, alone or in combination with other plans and projects.

12.16 Appropriate Assessment of implications of the proposed development on each European Site

12.16.1 The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the three European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

12.16.2 I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

12.16.3A description of the three designated and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets, are set out in the NIS and outlined above as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

12.17 Potential Impacts on identified European Sites

12.17.2 There are no direct pathways to designated sites. The following potential impacts have been identified:

Impacts during construction

12.17.3 There is hydrological connectivity to North Dublin Bay via existing surface water drainage infrastructure adjacent to the site. There is a potential surface water pathway from the site of the proposed development to Dublin Bay via the local surface water drainage network.

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

12.17.5 Due to the proximity of the SPAs, there is a low risk of alteration of habitat due to the potential for spread of invasive plant species

Impacts during operational phase

12.17.6 Potential impacts arising from the operational phase are related to surface water drainage from the built development. Uncontrolled or unattenuated surface water

drainage alone or in combination with other developments from the built development could lead to scouring of mudflats habitats and contribute to hydrological regime change or tidal regime change.

12.18 Appropriate Assessment of implications of the proposed development on each European Site

12.18.1 Special Areas of Conservation- North Dublin Bay SAC

12.18.2 There will be no direct impacts on any SAC site as a result of the proposed development as the development is located wholly outside of any European Site. There is no watercourse on, or immediately adjacent to the development site. The development site is located approximately 243m from the site development boundary. The habitats within the zone of influence of potential pollution and/or sedimentation impacts are those influenced by tidal waters and these habitats are listed below.

Table 16:

Designated Site	Qualifying Interests (those in BOLD are those which may be susceptible to water quality impacts)	Conservation Objective (favourable status)
North Dublin Bay SAC	Tidal Mudflats and Sandflats	Maintain
	Annual Vegetation of Drift Lines	Restore
	Salicornia Mud	Restore
	Atlantic Salt Meadows	Maintain
	Mediterranean Salt Meadows	Maintain
	Embryonic Shifting Dunes	Restore
	Marram Dunes (White Dunes)	Restore
	Fixed Dunes (Grey Dunes)*	Restore
	Humid Dune Slacks	Restore
	Petalwort (<i>Petalophyllum ralfsii</i>)	Maintain

12.18.3 Qualifying Interests identified in the NIS could be at risk from potential construction related surface water discharges should the discharges be of sufficient quantity and/or duration to affect water quality within the site. The habitats that could be affected by decreased water quality are highlighted above. The wetland habitats that comprise the North Bull SPA and South Dublin Bay and Tolka Estuary SPA are contiguous with the SAC and therefore it is appropriate to consider any impacts on

the quality of the wetland habitats alongside those of the SAC site. The potential for significant effects would be dependent on the magnitude of the pollution and/or sedimentation event, the resilience of the habitat and the in combination effect of that event with other water quality pressures due to other plans and projects. The risk of a pollution/sedimentation event is predicted to be low given that the only hydrological link is via storm drains and the event would be accidental and short lived.

Furthermore, the capacity of the surface water drainage network to transfer sediments would limit the amount of sediment that could be transferred in any one event. Potential effects on tidal mudflats and sandflats are dealt with in section 7.1.1 of the submitted NIS. Any pollution effect would be localised to the area of mudflats around the discharge outlet and would be diluted by tidal waters. It is clear that there will be no direct impacts on habitat area, distribution, physical structure, vegetation zonation or structure. The application of mitigation measures aimed at preventing any potential harmful construction related emissions to the aquatic environment will ensure that the invertebrate community structure of these sediment habitats will be unaffected.

12.18.4 Due to the proximity of the SAC, there is a low risk of habitat being impacted due to the potential for spread of invasive plant species. Given the distances involved and the limited amount of invasive species on site, I consider this to be a highly unlikely scenario to arise and it is in an abundance of caution that I have screened in this matter. Notwithstanding this, an Outline Invasive Species Management Plan will be implemented to avoid or reduce the risk of spread of invasive species from the site and the mitigation measures contained therein are noted.

12.18.5 Mitigation measures have been outlined in section 8 of the submitted NIS and include reducing the risk of sediment transfer and preventing blockage of the surface water drainage network, namely to avoid or reduce any risk of pollution from the construction phase. Potential hydrological impacts alone or in combination with other plans or projects will be mitigated by the surface water design of the proposed development. Mitigation measures for potential groundwater effects are similar in nature. A detailed Preliminary Construction and Environmental Management Plan (CEMP) has been compiled which will facilitate the effective application of all mitigation measures for the proposed development. The main mitigation measures are detailed in the Preliminary CEMP. The Preliminary CEMP, which is submitted as

a separate document with this application, covers all potentially polluting activities and includes mitigation measures for critical elements such as storage and handling of harmful materials. The Outline Invasive Species Management Plan sets out management proposal in section 7. Having regard to the measures outlined as well as the application of best practice construction methods, I am satisfied that there will be no adverse affects on the North Dublin Bay SAC in view of the site's conservation objectives as a result of the proposed development. Similarly, no adverse affects will occur to the 'wetlands and waterbird' SCI of the North Bull SPA or the South Dublin and River Tolka Estuary SPA in view of the conservation objectives for this particular attribute.

12.18.6 In terms of in-combination effects, I note that this matter was raised in some of the third party submissions received, namely the in combination effects of this proposed development with other permitted developments in the vicinity. Section 10 of the NIS considers the potential for cumulative effects on nearby designated sites arising in combination with other plans or projects and lists ten permitted developments in the area for which an EIA was completed. It is not anticipated that other projects will act in-combination with the proposed development to give rise to cumulative effects on any European sites.

12.18.7 Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the North Dublin Bay SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

12.19 Special Protection Areas (SPAs)

12.19.1 The proposed development site is wholly located outside of European sites and as outlined for the SAC site above, there will be no direct impacts on any SPA sites in terms of the permanent area of wetland habitat as defined in conservation objectives of those sites. The South Dublin Bay and River Tolka Estuary SPA is located less than 300m from the proposed development site while the North Bull Island SPA is located approximately 243m distant.

12.19.2 There is a risk of pollution and/or sediment transfer as a result of the construction phase being transferred to Dublin Bay via existing and proposed surface water

drainage infrastructure and/or via ground water. Pollution could arise from cementitious residues or hydrocarbons from the construction site. Wintering bird species feed on the tidal mudflats and saltmarsh habitats within Dublin Bay. Any significant degradation of habitats (tidal mudflats, saltmarsh habitats) caused by pollution or decline in water quality as a result of this project alone or in combination with other plans and projects could undermine the conservation targets of the SPAs. Pollution could also arise from the operational phase from the surface water drainage from the built development should for example hydrocarbons enter the surface water drainage network from the basement carpark.

Table 17:

Designated Site	Qualifying Interests	Conservation Objective (favourable status)
North Bull Island SPA (004006)	[A046] Light-bellied Brent Goose (<i>Branta berniclahrota</i>) [A048] Shelduck (<i>Tadorna tadorna</i>) [A052] Teal (<i>Anas crecca</i>) [A054] Pintail (<i>Anas acuta</i>) [A056] Shoveler (<i>Anas clypeata</i>) [A130] Oystercatcher (<i>Haematopus ostralegus</i>) [A1 0] Golden Plover (<i>Pluvialis apricaria</i>) [A141] Grey Plover (<i>Pluvialis squatarola</i>) [A143] Knot (<i>Calidris canutus</i>) [A144] Sanderling (<i>Calidris alba</i>) [A149] Dunlin (<i>Calidris alpina</i>) [A156] Black-tailed Godwit (<i>Limosa limosa</i>) [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A160] Curlew (<i>Numenius arquata</i>) [A162] Redshank (<i>Tringa totanus</i>) [A169] Turnstone (<i>Arenaria interpres</i>) [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A999] Wetland and Waterbirds	To maintain the favourable conservation status of all species listed

<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>[A046] Light-bellied Brent Goose (Branta bernicla hrota)</p> <p>[A130] Oystercatcher (Haematopus ostralegus)</p> <p>[A137] Ringed Plover (Charadrius hiaticula)</p> <p>[A141] Grey Plover (Pluvialis squatarola)</p> <p>[A143] Knot (Calidris canutus)</p> <p>[A144] Sanderling (Calidris alba)</p> <p>[A149] Dunlin (Calidris alpina)</p> <p>A157] Bar-tailed Godwit (Limosa lapponica)</p> <p>[A162] Redshank (Tringa totanus)</p> <p>[A179] Black-headed Gull (Chroicocephalus ridibundus)</p> <p>[A192] Roseate Tern (Sterna dougallii)</p> <p>[A193] Common Tern (Sterna hirundo)</p> <p>[A194] Arctic Tern (Sterna paradisaea)</p> <p>[A999] Wetland and Waterbirds</p>	<p>To maintain the favourable conservation status of all species.</p> <p>Grey Plover to be removed.</p>
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12.19.3 In terms of the factors that could affect the conservation objectives, there will be no loss or modification of habitats within the SPAs that result in the displacement of these species from areas within the SPA.

12.19.4 Due to the proximity of the SPAs, there is a low risk of alteration of habitat due to the potential for spread of invasive plant species. Given the distances involved and the limited amount of invasive species on site, I consider this to be a highly unlikely scenario to arise and it is in an abundance of caution that I have screened in this matter. Notwithstanding this, an Outline Invasive Species Management Plan will be implemented to avoid or reduce the risk of spread of invasive species from the site.

12.19.5 Mitigation measures are required to avoid or minimise the risk of pollution or sediment transfer to Dublin Bay. Mitigation measures have been outlined in section 8 of the submitted NIS, which state that a Preliminary Construction and Environmental Management Plan has been prepared for the proposed development and includes measures for ground and surface water management. The Outline

Invasive Species Management Plan sets out management proposal in section 7.

Mitigation measures include:

- Installation of silt control measures such as barrier device on storm inlets
- Construction vehicles will not be permitted to refuel on site
- Accidental oil or fuel spills shall be immediately cleaned with appropriate absorbent materials
- Hazardous materials to be stored within bunded area
- Pollution kits maintained on site
- Excavate, bund and treat invasive species on site

12.19.6 In my opinion, these are considered to be essentially best practice construction measures. I consider that the proposed measures are clearly described, are reasonable, practical and enforceable. I also consider that they fully address the potential impacts arising from the proposed development such that it will not give rise to adverse affects, either alone or in combination with other potential impact sources.

12.20 Appropriate Assessment Conclusion

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

12.20.2 Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on three European Sites.

12.20.3 Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

12.20.4 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of these European Sites (North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA) or any other European site, in view of the site's Conservation Objectives.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the aforementioned designated sites.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of these designated sites.

13 Environmental Impact Assessment (EIA) Screening

13.1 Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

13.2 The proposed development is for 131 residential units on a site c. 0.7 ha. The site is located within the administrative area of Dublin City Council and is within the built-up area. The proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 (as amended).

13.3 The criteria at schedule 7 to the Regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. The Screening Report states that the proposed development will not give rise to any likely significant impacts on the environment having regard to the sub-threshold assessment criteria set out in Schedule 7 of the 2001 Regulations and taking into account the mitigation measures referred to above. It is therefore

submitted that an EIAR is not required. I am satisfied that the submitted EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

13.4 I have assessed the proposed development having regard to the information above; to the Schedule 7A information and other information which accompanied the application, *inter alia*, Appropriate Assessment Screening and NIS, and I have completed a screening assessment as set out in Appendix A.

13.5 The current proposal is an urban development project that would be in a built-up area. The proposal is for 131 residential units on a stated site area of 0.71 hectares. The nature and size of the proposed development is well below the applicable thresholds for EIA. The residential uses would be similar to the predominant land uses in the area. The proposed development would be located on brownfield lands beside existing development. The site is not designated for the protection of a landscape, aside from its Residential Conservation Area zoning objective. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Screening Report and NIS that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

13.6 The development would result in works on zoned lands. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. The proposed development would be a residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone and the proposal will not increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance or a risk of accidents. The former use of the site is noted. The potential for contaminated material to be encountered during excavation, with the potential for impacts on the environment with regard to land and soils, was considered and assessed in the submitted Preliminary Construction and Demolition Waste Management Plan, and the proposal will not give rise to significant environmental impacts. The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in

the proposed Preliminary Construction and Environmental Management Plan (CEMP) are noted.

13.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted development in proximity to the site, and demonstrate that, subject to the various construction and design related measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions and I have considered all information which accompanied the application including inter alia:

- Appropriate Assessment Screening and Natura Impact Statement, prepared by Deborah D'Arcy
- EIA Screening Report, prepared by IMG Planning
- Preliminary Construction and Environmental Management Plan prepared by Hendrick Ryan
- Site Specific Flood Risk Assessment, prepared by Hendrick Ryan
- Engineering Services Report, prepared by Hendrick Ryan
- Preliminary Construction & Demolition Waste Management Plan, prepared by Hendrick Ryan
- Landscape Design Rationale prepared by Stephen Diamond and Associates
- Building Lifecycle Report, prepared by unknown
- Sustainable & Energy Planning Report, prepared by Axiseng Consulting Engineers
- Traffic and Transport Assessment prepared by Trafficwise
- Parking Strategy and Management Plan, prepared by Trafficwise

13.8 In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available

results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. A Sustainable and Energy Planning Report has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive (Directive 2012/27/EU). A Site Specific Flood Risk Assessment that addresses the potential for flooding, which was undertaken in response to the EU Floods Directive (Directive 2007/60/EC). An AA Screening Report and NIS in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) has been submitted with the application. A Preliminary Construction and Demolition Waste Management Plan has been submitted which was undertaken having regard to the Directive (EU) 91/689/EEC on dealing with hazardous waste. The EIA screening report prepared by the applicant has, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the SEA for the operative City Development Plan.

- 13.9 I have completed an EIA screening assessment as set out in Appendix A of this report.
- 13.10 I consider that the location of the proposed development is such that the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

- 13.11 I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.
- 13.12 A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

14 Recommendation

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

Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 08th day of September 2021 by Savona Limited care of Smith + Kennedy Architects, Dun Laoghaire, Co. Dublin.

Proposed Development:

Permission for a strategic housing development at this site at 'Redcourt', Seafield Road East, Clontarf, Dublin 3.

The development will consist of:

1. Construction of 131 no. build-to-rent residential units (16 no. studios, 34 no. one bed, 73 no. two bed (including 21 no. duplex units), and 8 no. three bed units) in 4 no. blocks ranging in height from 5 to 6 no. storeys (including ground and mezzanine floor levels) comprising: a total of 30 no. apartments (20 no. 1 bed and 10 no. 2 bed) in a 6 storey block facing Dollymount Park; a total of 40 no. apartments (12 no. 1 bed, 20 no. 2 bed (including 12 no. duplex units) and 8 no. 3 bed) in 6 storey block facing St Gabriel's Road; a total of 33 no. apartments (33 no. 2 bed (including 9 no. duplex units)) in 6 storey block facing Redcourt Oaks; and a total of 28 no. apartments (16 no. studios, 2 no. 1 bed and 10 no. 2 bed) in a 5 storey block facing Seafield Road East over a single level basement providing 81 no. car parking spaces including 3 no. disabled parking spaces and 1 no. car share space, 3 no. motorcycle parking spaces, surface water attenuation tank, service and plant areas and waste management areas;

2. Provision of dedicated resident's amenities and facilities - 131 no. storage lockers in the basement, a 133 sq. m. gymnasium at ground floor; a 126.5 sq. m. multi-purpose meeting/event room and a 68.6 sq. m. concierge/administration office in a two storey building within the block facing Redcourt Oaks;
3. The provision of an enclosed landscaped communal open space between the blocks, publically accessible open space along the eastern side of the site and a resident's roof garden on the block facing Seafield Road East;
4. The provision of a new vehicular access to the basement car park from Dollymount Park to the north;
5. Works to adjoining public roads including the provision of a widened pedestrian footway on the northern side of Seafield Road East extending along the southern development road frontage; works at the junctions of St Gabriel's Road with Seafield Road East, St Gabriel's Road with Seacourt and St Gabriel's Road with Dollymount Park; provision of a pedestrian footway on the eastern side of St Gabriel's Road and carriageway reduction between Seafield Road East and Dollymount Park; dropped pedestrian crossings on St Gabriel's Road at its junctions with Seafield Road East and Seacourt; a pelican crossing on St Gabriel's Road between Seacourt and Dollymount Park; 2 no. dropped pedestrian crossings off Dollymount Park, one at the junction of St Gabriel's Road and another at the southern gated access to St Gabriel's Church; provision of a widened pedestrian footway on the southern side of Dollymount Park and carriageway reduction from St Gabriel's Road extending along the northern development road frontage; 16 no. on-street car parking spaces and the relocation of the existing on-street bring centre; and
6. All other associated works required to facilitate the proposed development including pedestrian accesses from Dollymount Park, St Gabriel's Road and Seafield Road East; an ESB substation and switch room; landscaping along Dollymount Park, St Gabriel's Road and Seafield Road East frontages; 68 no.

visitor bicycle parking spaces at surface and 220 no. resident's secure bicycle storage spaces and all associated services.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the site's location close to Dublin city centre, within an established built-up area on lands with zoning objective Z2, which seeks 'to protect and/or improve the amenities of residential conservation areas' in the Dublin City Development Plan 2016-2022,
- (b) the policies set out in the Dublin City Development Plan 2016-2022,
- (c) the provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (d) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the provisions of Housing for All- a New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021

- (f) the provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2019, as amended
- (g) the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) the provisions of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020
- (i) the provisions of the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (j) the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018
- (k) Chief Executive Opinion and associated appendices of Dublin City Council
- (l) the nature, scale and design of the proposed development,
- (m) the availability in the area of a wide range of social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) the planning history within the area, and
- (p) the report of the Inspector and the submissions and observations received,

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

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following fifteen European sites:- South Dublin Bay SAC (Site Code: 004024), Howth Head SAC (Site Code 000202), Baldoyle Bay SAC (Site Code: 000199), Malahide Estuary SAC (Site Code: 002193), Ireland's Eye SAC (Site Code: 002153), The Rye Water Valley/Carton SAC (Site Code: 001398), Baldoyle Bay SPA (Site Code: 004016), Malahide Estuary SPA (Site Code: 004025), Rogerstown Estuary SPA (Site Code: 004015), Rockabill to Dalkey Island SAC (Site Code: 003000), Lambay Island SAC (Site Code: 00204), Dalkey Islands SPA (Site Code: 004172), Howth Head Coast SPA (Site Code: 004113), Ireland's Eye SPA (Site Code: 004117) and Lambay Island SPA (Site Code: 004069) in the light of their conservation objectives, having

regard to the nature of the proposed development and the distances from the development site to these European sites.

However, in relation to North Bull Island SPA (Site Code: 004006), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Dublin Bay SAC (Site Code: 000206) it could not be concluded that there would not be the likelihood of significant effects in view of the Conservation Objectives of such sites and a Stage 2 Appropriate Assessment was required to be undertaken.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, North Bull Island SPA (Site Code: 004006), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Dublin Bay SAC (Site Code: 000206).

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on these three designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement submitted with the application, and the Inspector's report and submissions on file.

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

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal,
- (iii) the conservation objectives for these European sites, and

In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura Impact Statement, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the relevant European sites North Bull Island SPA;

South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC, or any other European site, in view of the site's Conservation Objectives.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Report (EIAR) Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to: -

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

Plan (CEMP);

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

Conclusions on Proper Planning and Sustainable Development

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

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

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

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

December 2018 in particular Specific Planning Policy Requirement (SPPR) 1 and Specific Planning Policy Requirement (SPPR) 3.

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

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Natura Impact Statement, Preliminary Construction and Environmental Management Plan, Outline Invasive Species Management Plan and other plans and particulars submitted with the application, shall be carried out in full except as may otherwise be required in order to comply with other conditions, for the protection of habitats and species associated with the (i) North Bull Island SPA; (ii) South Dublin Bay and River Tolka Estuary SPA and (iii) North Dublin Bay SAC designated sites.</p> <p>Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Natura Impact Statement, Preliminary Construction and Environmental Management Plan and Outline Invasive Species Management Plan for these three designated sites only, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.</p>

	<p>Reason: In the interest of clarity, for the protection of and to ensure no adverse affects during the construction and operational phases of the proposed development on identified designated sites (North Bull Island SPA; South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC).</p>
3.	<p>The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.</p> <p>Reason: In the interests of proper planning and sustainable development.</p>
4.	<p>Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:</p> <ul style="list-style-type: none"> a) revised drawings showing all ground floor units having a minimum floor to ceiling height of 2.7metres b) additional details of privacy measures between balconies/terraces and between areas of private/communal open space c) details of proposed landscaping for communal courtyard area d) a map, at appropriate scale, which clearly delineates any areas which are to be taken in charge e) details relating to proposed relocation of recycling facility f) details of proposed green roofs <p>Reason: In the interests of proper planning and sustainable development and to safeguard the amenities of the occupants.</p>
5.	<p>The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.</p>

	<p>Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.</p>
6.	<p>Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
7.	<p>Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.</p> <p>Reason: In the interests of orderly development and clarity.</p>
8.	<p>(a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates, security barrier or security hut at the entrance to the development or within the development in a manner which would prevent pedestrian access between the areas identified above.</p> <p>(b) Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new routes, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the</p>

	<p>public.</p> <p>Reason: In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.</p>
9.	<p>The proposed gym shall be available to residents of the proposed development only, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
10.	<p>Prior to the commencement of the development the applicant shall agree in writing with the planning authority, details in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme shall also be agreed, together with additional information regarding crane type (tower, mobile), elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinates. The planning authority may consult, as required, with the Irish Aviation Authority.</p> <p>Reason: In the interests of clarity and proper planning and sustainable development of the area.</p>
11.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:</p> <p>a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning</p>

	<p>Authority for such works and shall be carried out at the developer's expense.</p> <p>b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;</p> <p>c) Pedestrian crossing facilities shall be provided at all junctions;</p> <p>d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and</p> <p>e) A detailed construction traffic management plan, including a mobility management plan, shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.</p> <p>Reason: In the interests of amenity and public safety.</p>
13.	<p>The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of,</p>

	<p>and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: in the interests of sustainable transportation</p>
14.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
15.	<p>The applicant or developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
16.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
17.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s)</p>

	<p>in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity and durability.</p>
18.	<p>Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning</p>
19.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility</p>
20.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity</p>
21.	<p>All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.</p> <p>Reason: In the interest of residential amenity.</p>

22.	<p>Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
23.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p>

	<p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
24.	<p>The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.</p> <p>Reason: In the interest of residential and visual amenity.</p>
25.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree</p>

	<p>felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>
26.	<p>Prior to the commencement of any works on site, the applicant shall submit a finalised Badger Mitigation Plan for the subject site, which shall include detailed methodologies and a schedule of the timing of the works to be carried out in relation to the construction of an artificial sett on the development site, the exclusion of badgers from the existing setts on the site and the destruction of these setts. All these works shall be completed in full, prior to the commencement of any other development works on site except such clearance of vegetation as is necessary to identify existing badger setts. Monitoring of the artificial badger sett shall continue for four years following the completion of the construction of the proposed development.</p> <p>Reason: To provide for the conservation of the badger population occurring on the development site and avoid injury to these animals.</p>
27.	<p>The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be</p>

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

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
31.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
32.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the</p>

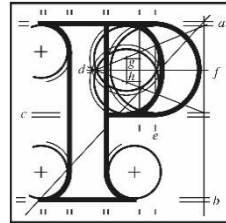
	<p>planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
33.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Lorraine Dockery

Senior Planning Inspector

December 16th, 2021

Appendix A: EIA Screening Form



**An
Bord
Pleanála**

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-311333-21
Development Summary		Construction of 131 residential units and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Assessment, a AA Screening Report and NIS were submitted with the application

<p>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>See Inspector's Report section 13.8 SEA undertaken in respect of the Dublin City Development Plan 2016-2022</p>

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
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		Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of 131 residential units on lands for which residential use is permissible in principle in keeping with development in the vicinity.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposal includes the construction of an apartment development which is not considered to be out of character with the pattern of development in the surrounding area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially	Yes	Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a	No

<p>resources which are non-renewable or in short supply?</p>		<p>result of the development of the site are not regarded as significant in nature.</p>	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
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<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso/COMAH sites in the vicinity of this location.</p>	<p>No</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in an increase in residential units of 131 no. units which is considered commensurate with the development of an inner suburban zoned site within Dublin city</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>Stand alone development, with minor developments in the immediately surrounding area.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 	<p>No</p>	<p>An AA Screening Assessment and NIA has been undertaken which concluded no significant adverse impact on any European Sites.</p>	<p>No</p>

<p>4. Designated refuge for flora or fauna</p> <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>Site located in residential conservation area. The design and layout of the scheme considers all these built environment issues and mitigation</p>	<p>No</p>

		measures are in place to address concerns.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.	

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved</p>	<p>No</p>	<p>No developments have been identified in the vicinity which would give rise to</p>	<p>No</p>

development result in cumulative effects during the construction/ operation phase?		significant cumulative environmental effects.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

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

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

Inspector: _____ **Lorraine Dockery**

Date: _____

END

