



An  
Bord  
Pleanála

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

## Inspector's Report ABP-311473-21

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### Strategic Housing Development

Alterations to previously permitted development ABP-308877-20 to include reduction of 1 no. storey from the southern stair lift core of Block B and reduction of 2 storeys from northern stair and lift core of Block B.

### Location

Former Europa Garage Site,  
Blackrock, Co. Dublin.

### Planning Authority

Dun Laoghaire Rathdown County  
Council

### Applicant

Seabren Developments Limited

### Type of Application

Section 146B

### Prescribed Bodies

None on file

**Observer(s)**

Catherine Curran  
John Paul Comer  
Richard Holbrook  
Seamus Conroy  
Giovanni and Sarah Romoli

**Date of Site Inspection**

N.A.

**Inspector**

Sarah Moran

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## Appendix I EIA Screening Form

## 1.0 Introduction

- 1.1. An Bord Pleanála received a request for alterations to a previously permitted development reference ABP-308877-19 on 24<sup>th</sup> September 2021, from Doyle Kent Planning Partnership Ltd., on behalf of Seabren Developments Ltd., to alter the permission granted for 101 no. apartments and associated site works at the Former Europa Garage site, Newtown Avenue, Blackrock, Co. Dublin. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B(2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requestor to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information and display period up to 9<sup>th</sup> March 2022, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
  - (I) make the alteration,
  - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
  - (III) refuse to make the alteration

## 2.0 Site Location and Description

2.1. The development site is located c. 400m to the south east of the centre of Blackrock Village, at a prominent corner location at the junction of Newtown Avenue and Seapoint Avenue. It has a stated area of 0.49 ha and was formerly occupied by the Europa garage (previously a tram depot), which has since been demolished. There is a historic stone wall of c. 6m in height long the western site boundary, another high wall along the southern boundary and a palisade fence to the east and north along the road frontage to Newtown Avenue. There is a single sycamore tree close to the northern boundary but no other vegetation. The site is bound to the south and west by residential development. Newtown Villas to the west comprises a short cul-de-sac of single storey cottages and is designated as an Architectural Conservation Area (ACA). There are single storey dwellings to the south in Craigmore Gardens, also two storey dwellings that front onto Newtown Avenue. Blackrock House, Newtown House and Seapoint Manor, detached structures to the north east and east of the site, are Protected Structures. Newtown Avenue is one-way in the vicinity of the site with traffic travelling north and west from the N31. A contra flow cycle track lies on the northern side of the road and there is on street parking along Newtown Avenue along the northern site frontage.

## 3.0 Legislation

### 3.1. Section 146B (1)

Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

### 3.2. Section 146B (2)

(2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

### 3.3. Material Alteration

Section 146B (3) (b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall —

- (i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and
- (ii) following the receipt of such information or report, as the case may be, determine whether to—
  - (I) make the alteration,
  - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
  - (III) refuse to make the alteration.

(4) Before making a determination under subsection (3) (b) (ii), the Board shall determine whether the extent and character of —

- (a) the alteration requested under subsection (1), and
- (b) any alternative alteration it is considering under subsection (3) (b) (ii) (II) are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision

as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in subsection (3) (b) (ii) —

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3) (b) (ii), or

(b) is likely to have such effects, the provisions of section 146C shall apply.

(8) (a) Before making a determination under subsection (3) (b) (ii) or (4), the Board shall —

(i) make, or require the person who made the request concerned under subsection (1) to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

#### 3.4. Section 146(C)

146C (1) This section applies to a case where the determination of the Board under section 146B (4) is that the making of either kind of alteration referred to in section 146B (3) (b) (ii) is likely to have significant effects on the environment.

## 4.0 Policy Context

### 4.1. Section 28 Ministerial Guidelines

4.1.1. Having considered the nature and extent of the proposal, the receiving environment and the documentation on file, I consider that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities as updated December 2020
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities including the associated Technical Appendices
- Urban Development and Building Heights Guidelines for Planning Authorities
- Architectural Heritage Protection Guidelines for Planning Authorities

### 4.2. Dun Laoghaire Rathdown County Development Plan 2016-2022

4.2.1. The previous County Development Plan was in place when the subject decision was issued on 12<sup>th</sup> April 2021. Under that plan, the site had the zoning objective A 'to protect and-or improve residential amenity'. It was situated to the immediate east of the Newtown Villas ACA and to the south east of a Zone of Archaeological Potential associated with Recorded Monument DU 023-008. There are protected structures to the north-east and east of the site, namely Blackrock House, Blackrock House gates, Newtown House and The Courtyard/ Seapoint Manor.

4.2.2. Appendix 9 of the 2016-2022 development plan sets out the Building Height Strategy for the county. This states that taller buildings are to be accommodated at specific key locations within the county, namely Sandyford, Cherrywood, Dundrum, Dún Laoghaire and UCD Belfield. These centres are considered to be 'self-selecting' by virtue of their status as either Major Town Centres/ growth areas, major employment locations or in the case of UCD, a major national institution. The Building Height Strategy states that taller buildings will generally not be considered outside of these



locations. In addition, LAPs, Framework Plans and SDZs within the county are to identify specific sites that have potential for accommodating building height.

#### 4.3. **Blackrock Local Area Plan 2015-2021**

- 4.3.1. Section 3.5.3 of the LAP sets out a Site Framework Strategy for the development site. The following policy applies:

Policy BK06 It is Council Policy to ensure that any development proposals for the St. Teresa's & Dunardagh lands, Cluain Mhuire and former Europa Garage accord with the Site Framework Strategies prepared for these land parcels.

- 4.3.2. The following objectives of the Site Framework Strategy are noted:

- ES1 and Map 12 building height 4 storeys. Height should graduate to a maximum of two storeys along the boundary with Newtown Villas in order to protect their residential amenity and setting.
- ES2 minimum density 50 units/ha
- ES3 housing mix as per Development Plan policy
- ES4 redevelopment shall provide an innovative and attractive design response that defines the site boundary, incorporates an active street frontage, maintains a planted buffer and provides a continuation of the building line along Newtown Avenue, (e.g.: own door residential units facing onto the streets).
- ES5 design shall ensure no undue overlooking or overshadowing either within the scheme or of adjoining properties. A shadow analysis is required.
- ES6 high standard of amenity space for future residents. Detailed landscaping plan required.
- ES7 Objective to ensure the protection of the mature sycamore tree located in the northern corner of the site, also complementary planting along the site's northern and eastern boundary.
- ES8 In the event of anything of historical interest in relation to the former tram depot being found during excavation / redevelopment of the site, the opportunity to incorporate such elements into the redevelopment scheme should be exploited (or at the very least recorded).

- ES9 Open space provision in accordance with development plan standards. In the event of a shortfall in open space provision, the developer may with the agreement of the Planning Authority, make a financial contribution in lieu towards the provision of off-site local amenity / recreational facilities.

## 5.0 Parent Permission ABP-308877-20

5.1. The development proposed under ABP-308877-20 on 12<sup>th</sup> April 2021 involved the following:

- 101 apartments in two blocks A and B comprising 51 no. one bed apartments, 42 no. two bed apartments and eight no. three bed apartments.
- The development ranged in height from one to seven storeys.
- Provision of c. 1,162 sq.m. communal open space and c. 302 sq.m. public open space.
- Basement car park with access from Maretimo Terrace via a ramp. Provision of 73 no. basement car parking spaces, 194 no. basement cycle parking spaces and 50 no. surface cycle parking spaces.
- ESB substation

5.2. The Board granted permission subject to 25 no. conditions. The following conditions are noted in particular:

3. The proposed development shall be amended as follows:

- Apartment B48 shall be omitted from Block B.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

9. Access to the roof area at first floor level of Block A shall be restricted for maintenance purposes only. Glazed screens to a height of two metres shall be provided on the eastern and western sides of the roof terrace at Block B. Access

to the roof terrace at Block B shall be restricted to residents of the scheme between the hours of 0700 and 2200 Monday to Sunday.

**Reason:** In the interest of residential amenities.

The remaining conditions imposed did not involve any significant changes to the development.

## 6.0 Requested Alterations

6.1. The requested alterations are detailed as follows:

- Reduction of one storey from the southern end of Block B as set out in condition no. 3 of ABP-308877-20, reducing the height from five storeys to four storeys and resulting in the omission of one residential unit.
- Reduction of two storeys from the northern end of Block B, reducing the height from six storeys (plus attic floor) to four storeys (plus attic floor).
- The alterations involve a reduction in the total floor area of Block B from 5,041 sq.m. to 3,998 sq.m.
- The alterations involve the omission of nine no. apartments from Block B, comprising two no. one bed apartments, three no. two bedroom apartments and four no. four bed apartments.
- The alterations result in 44 no. apartments in Block B and a total of 91 no. units in the overall scheme.
- The overall residential density of the scheme would be reduced from 184 units/ha to 205 units/ha.
- There is no alteration to the internal configuration of any remaining units within Block B.
- There is no alteration to Block A.
- The overall footprint of the development is unchanged.
- There are no changes to the permitted car and cycle parking provision or to the permitted car/cycle/pedestrian connections.

6.2. The request includes the following supporting documentation:

- Planning Report
- Architectural Drawings
- Architectural Design Statement
- Landscape and Visual Impact Assessment Report
- Traffic and Transport Statement
- Daylight, Sunlight and Overshadowing Assessment
- Hydrological Risk Assessment
- Water Services Report on Requested Alterations
- Statement in accordance with Regulation 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations, 2001
- Updated AA Screening Report.
- Updated EIA Screening Report

## 7.0 **Observer Submissions**

7.1. There are five no. submissions on file by local residents. They all state support for the requested alterations, on the basis that they involve a reduction in the scale of the permitted development and a reduction in associated impacts including visual impacts and traffic. The submission of Giovanni and Sarah Romoli states concerns about construction related impacts on local roads, dust deposition, and construction traffic.

## 8.0 **Planning Authority Submission**

8.1. None on file.

## 9.0 **Assessment**

9.1. The key parameters of the permitted development and the requested alterations may be compared as follows:

	<b>Permitted Development</b>	<b>Requested Alterations</b>
<b>Total no. of units</b>	100	91
<b>Gross Floor Area GFA</b>	4,932 sq.m.	3,998 sq.m.
<b>Site Coverage</b>	47%	47%
<b>Plot Ratio</b>	1.92 (excluding basement)	1.69 (excluding basement)
<b>Density</b>	205 units/ha	184 units/ha
<b>Height</b>	3-7 storeys	3-5 storeys
<b>Dual Aspect Units</b>	41%	41%
<b>Car and Cycle Parking Provision</b>	73 no. basement car parking spaces, 0.8 spaces per unit  194 no. basement cycle parking spaces  50 no. surface visitor cycle parking spaces	No change
<b>Open Space</b>	1162 sq.m. communal open space  302.5 sq.m. public open space	No change

9.2. The requested alterations do not give rise to any significant new issues in terms of the principle of development, consistency with national and local planning policy, residential density, housing mix, movement and transport issues, drainage, flood risk or site services and I see no reason to revisit these matters, as they are assessed in detail in the Inspector's Report of ABP-308877-20.

9.3. The following are considered to be the principal matters for consideration with regard to the requested alterations:

- Quality of Residential Accommodation
- Daylight and Sunlight
- Impacts on Residential and Visual Amenities, Heritage and Conservation Issues

These matters may be considered separately as follows.

#### 9.4. **Quality of Residential Accommodation**

9.4.1. The submitted plans, sections and elevations, Architectural Design Statement and Housing Quality Assessment provide details of the revised floor plans and the layout of residential units in Block B. There is no alteration to the internal configuration of the remaining units in Block B. The overall proportion of dual aspect units in the development is unchanged at 41% and there are no north facing single aspect units. The provision of communal and public open space and treatment of the public realm are unchanged as the overall layout is the same as that of the permitted development. I consider that the apartments in the revised design achieve a satisfactory standard of residential accommodation with regard to the standards set out in the Apartment Guidelines, in terms of internal design and layout, and I am satisfied that the requested alterations will result in a development that is consistent with national planning policy on residential development and a satisfactory quality of accommodation for future residents of the scheme.

#### 9.5. **Daylight and Sunlight Issues**

##### 9.5.1. Daylight and Sunlight Introduction

The request includes an updated Daylight, Sunlight and Overshadowing Study of the development, dated December 2020. The following assessment is based on the updated Daylight, Sunlight and Overshadowing Study as well as the original Daylight, Sunlight and Overshadowing Study submitted with ABP-308877-20.

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' (2<sup>nd</sup> 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.

The Daylight, Sunlight and Overshadowing Study relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight". I also note the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have considered the applicant's Daylight Reception Analysis and I have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting). I have considered the applicant's Daylight, Sunlight and Overshadowing Study and I have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting).

#### 9.5.2. Daylight to Proposed Apartments Average Daylight Factors (ADF)

In general, 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 of ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen /living/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed apartments have combined LKDs, and the

applicant’s Daylight, Sunlight and Overshadowing Study applies ADF target values of 1.5% to the combined LKDs, which is generally considered to be appropriate for LKDs in higher density urban schemes where there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design / streetscape. Section 8.4 of the Daylight, Sunlight and Overshadowing Study provides analysis of ADF values for selected rooms on the ground, first and third floors of both Blocks A and B and presents a comparison of ADF values between those achieved in the development permitted under ABP-308877-20 and those achieved as a result of the requested alterations. I am satisfied that the units and rooms selected represent a ‘worst case scenario’, such that the results provide a reasonable representation of standards within the development as a whole. The detailed figures generally indicate that higher ADFs are achieved when the requested alterations are taken into account. The results provided may be summarised overall as follows:

	Permitted		Proposed	
	Count	Percentage	Count	Percentage
LKDs > 1.5% ADF	17	94%	16	89%
Bedrooms > 1% ADF	27	93%	27	93%
Total Overall	44	94%	43	91%

The above assessment indicates an overall compliance rate of c. 94% with ADF standards. While the total results are lower than those of the permitted development, this is due to the reduction floors at Block B and it is submitted that the overall quality of natural light has improved within the majority of apartments from the sample taken. This point is accepted with regard to the detailed results provided.

The Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. Section 6.7 of the Apartment Guidelines also refers to cases where a development may not fully meet all of the requirements of the BRE guidance, due to design constraints associated with the site or location and the balancing of that assessment against the desirability of achieving wider planning objectives such as securing comprehensive urban regeneration and or an effective urban design and streetscape



solution. The Apartment Guidelines advises planning authorities to apply discretion in such cases. While I note that the submitted Daylight, Sunlight and Overshadowing Study does not include any compensatory measures in instances that do not achieve the recommended ADF values, I note that the Study presents a 'worst case scenario' of apartment units within the overall development and I am generally satisfied that a higher percentage of units within the development would exceed the BRE targets and that the overall level of residential amenity is acceptable, is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance. The overall level of compliance must also be balanced against achieving the wider planning objectives for this site, as outlined in the development plan, and in light of the overall desirability of achieving optimum residential density on this infill site in an established residential area with regard to national planning policy on compact urban development and in view of the performance based approach of the Apartment Guidelines.

#### 9.5.3. Sunlight to Proposed Amenity Spaces

Section 7 of the Daylight, Sunlight and Overshadowing Study examines sunlight levels at amenity spaces within the development with regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011), which recommends that at least half of the amenity areas should receive at least two hours of sunlight on 21<sup>st</sup> March. The Study demonstrates that the external amenity spaces within the development all receive at least two hours of sunlight on 86% of their combined area on March 21<sup>st</sup>, thus exceeding BRE recommendations.

#### 9.5.4. Impacts on Adjacent Residential Properties

Section 5 of the updated Daylight, Sunlight and Overshadowing Study considers potential effects of the development on daylight Vertical Sky Component (VSC) at adjacent residential properties at Newtown Villas and at Newtown Avenue to the north, east and south of the development site, with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC,

with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The Daylight, Sunlight and Overshadowing Study analyses potential impacts of the requested alterations against those of the permitted development and tests if the VSC results are greater than either 27% or 0.8 times their former value (that of the existing situation). Of the 84 points tested 96% (81 points) exceed the BRE requirements. These results are very similar to those achieved in the permitted development and comply with the BRE recommendations with an improvement noted to the neighbouring residents to the east on Newtown Avenue.

The study also provides shadow analysis at (March 21<sup>st</sup>, June 21<sup>st</sup> and December 21<sup>st</sup>) for the existing scenario and with the proposed development in place. Some of the additional overshadowing of adjacent properties has been reduced as a result of the requested alterations. The shadow analysis findings may be summarised as follows:

- Some of the additional overshadowing at Newtown Villas has been reduced as a result of the requested alterations during the mornings of March (08.00-10.00) when compared to the permitted development.
- Some of the additional overshadowing at residential properties at Newtown Avenue to the north of the development site has been reduced as a result of the requested alterations during the afternoons of December (12.00-14.00) when compared to the permitted development.
- Some of the additional overshadowing at residential properties at Newtown Avenue to the east of the development site has been reduced as a result of the requested alterations during the evenings of March (16.00-18.00) and June (18.00) and to a lesser extent December when compared to the permitted development.

In addition, the results of analysis of sunlight to existing adjacent amenity spaces find that they all continue to receive 100% of the sunlight received even with the development in place, thus complying with BRE Guidelines.

#### 9.5.5. Daylight and Sunlight Issues Conclusion

In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the requested alterations have been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within Blackrock, Co. Dublin, in accordance with national policy guidance, are in my opinion acceptable, are in compliance with the relevant BRE and BS standards.

#### 9.6. **Impacts on Visual and Residential Amenities, Heritage and Conservation Issues**

- 9.6.1. The requested alterations will result in a revised, lower profile to Block B. The overall architectural treatment, external finishes and public realm of the development are unchanged. I have had regard to the submitted plans, sections and elevations, updated Architectural Design Statement, photomontages, CGIs and updated Visual Impact Assessment with townscape views. These indicate that the requested alterations will result in a development with a reduced bulk and scale but otherwise similar appearance in terms of architectural style, materials and finishes, also noting that the requested alterations do not involve any changes to the communal areas or public realm of the permitted development. I do not consider that the requested alterations give rise to any significant new considerations in terms of overshadowing, overlooking or impacts on visual amenities including impacts on neighbouring residential properties or on the settings of protected structures or in the context of the Newtown Villas ACA. It is also considered that no new archaeological issues arise given that the overall site layout and footprint of the development are unchanged from those previously permitted.
- 9.6.2. I note that the submission of Giovanni and Sarah Romoli raises concerns relating to construction impacts on residential amenities associated with noise, dust deposition and construction traffic. These matters are to be subject to ongoing construction

management measures, as per the permitted development, and associated conditions, and do not raise any new issues in terms of the requested alterations.

## 10.0 Environmental Impact Assessment Screening

10.1. Under S146B(4), the Board must consider whether the requested material alterations would be likely to have significant effects on the environment, before making a determination under S146B(3)(b)(ii). The requestor has submitted an updated Environmental Impact Assessment Screening Report in respect of the requested alterations, dated September 2021, which includes the information specified in Schedule 7A of the Planning and Development Regulations 2001.

10.2. Item (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 addition, item 13(a) of Schedule 5 Part 2 refers to changes and extensions to permitted developments: Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
  - 25 per cent, or
  - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to

be undertaken by the competent authority unless, on preliminary examination, it can be concluded that there is no real likelihood of significant effects on the environment.

- 10.3. The requested alterations will not result in an increase in size greater than 25% of the permitted development and I therefore conclude that they are below the thresholds for mandatory EIAR, with regard to the minor nature of the alterations and to the matters discussed above.
- 10.4. An EIAR was not submitted with the original application, as per the EIA Screening Assessment set out in Appendix 1 of the Inspector's Report of ABP-308877-20. The requested alterations will result in a reduction of 1-2 storeys and nine no. units in Block B with no changes to the footprint, height, bulk or massing of Block B or to the overall site layout. The resultant changes to the external elevations of Block B are not considered to result in any significant new impacts on visual or residential amenities or any new conservation / heritage impacts. The alterations will not substantially alter the density of the permitted development and will not diminish the standard of urban design or residential amenity achieved within the development. The construction methodology will remain the same, and the proposed alterations will not result in any material changes to the Construction and Environmental Management Plan (CEMP). There will be no significant changes to proposals for the disposal of surface or foul wastewater. Adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational phase of the overall development will have a significant negative impact on the environment. I am satisfied overall that no additional construction or operational phase impacts are anticipated, and no likely or potential impacts will be affected by the requested alterations. No additional mitigation or monitoring measures are envisaged.
- 10.5. The Environmental Impact Assessment Screening Report submitted in respect of the requested alterations considers them with regard to the criteria at Schedules 7 and 7A 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. It concludes that, having regard to the nature, extent, and the characteristics of likely impacts, the requested alterations to the permitted development do not constitute a project defined by Part 1 and Part 2, Schedule 5 of the 2001 Regulations as requiring an EIAR and would not warrant a

sub threshold EIA in accordance with Article 103 of the 2001 Regulations. Having regard to the updated Environmental Impact Assessment Screening Report, to the other documentation on file and to the original permission ABP-308877-20, including the EIA Screening of same, I note that the requested alterations involve minor modifications to the permitted development and are of a nature and the size that are well below the applicable thresholds for EIA. The alterations involve a reduction in the total number of residential units and a reduced bulk and scale to Block B. They will not increase the risk of flooding within the site. They would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats of conservation significance. The alterations will not result in any additional visual or cultural heritage impacts above those of the permitted development. The construction of the requested alterations will not involve any significant changes such that a revised Construction and Environmental Management Plan would be necessary. There have been no significant new developments permitted in the vicinity of the development site since the original permission and no significant interactions or cumulative impacts are envisaged.

- 10.6. 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 relevant information on file, including the updated AA Screening Report. The EIA screening of ABP-308877-20 concluded that the development then proposed 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. I consider that the location of the requested alterations and the environmental sensitivity of the geographical area would not justify a conclusion that they would be likely to have significant effects on the environment. The requested alterations do not have the potential to have effects the impact of which would be rendered significant by their 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. 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.

10.7. I note the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the requestor 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. The request includes a standalone Regulation 299B (1)(b)(ii)(II)(C) statement, which details the following assessments that have been carried out in respect of the requested alterations:

- Ecological Impact Assessment (EclA) and AA Screening Report in respect of the Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC);
- Hydrogeological Assessment Report in respect of the Water Framework Directive (WFD) (Directive 2000/60/EC);
- Strategic Flood Risk Assessment of the Dun Laoghaire Rathdown County Development Plan 2016-2022 in respect of the Floods Directive (Directive 2007/60/EC), also a Site Specific Flood Risk Assessment of the permitted development, which has been adopted within the EIA Screening Report;
- SEA of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock LAP 2015-2021 in respect of the SEA Directive (2001/42/EC);
- The Eastern-Midlands Region Waste Management Plan 2015-2021, which has also informed the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock LAP 2015-2021 in respect of the Waste Framework Directive 2008/98/EC, also the Operational Waste Management Plan for the permitted development, which has been adopted within the EIA Screening Report;

10.8. I have had regard to the SEA of the statutory plans for the area in which the development site is located. I am satisfied, given the minor nature of the requested alterations, that no other relevant assessments of the effects on the environment

carried out pursuant to European Union legislation other than those outlined above are directly relevant in this instance.

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

## 11.0 **Appropriate Assessment**

11.1. 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.

11.2. A Stage 1 AA Screening Report dated November 2020 was submitted with ABP-308877-20. The report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. Potential effects during construction and operation of the development are considered as well in combination effects of neighbouring developments. The screening is supported by associated reports submitted with the application, including the EIAR. The AA Screening Report submitted with ABP-308877-20 concluded, based on the best scientific evidence, that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any Natura 2000 sites and that a Stage 2 AA is not required.

11.3. An updated AA Screening Report dated September 2021 is submitted with the current request, which considers the requested alterations. This notes that there are no Natura 2000 sites within the immediate vicinity of the development site. There are no water courses on the site and so there are no direct hydrological links to the Irish Sea. There are no habitats on the site which are examples of those listed in Annex II of the Habitats Directive and the site does not provide suitable habitat for wetland / wading / wintering birds which may be associated with Natura 2000 sites in Dublin Bay. Foul wastewater from the permitted development will be sent to Ringsend WWTP in Dublin via the local sewerage system. Emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive. Irish Water has prioritised the enhancement of the Ringsend plant and was granted planning permission to upgrade it in April 2019. This will see improved treatment



standards and will increase network capacity by 50%, with a target completion date of 2022. The requested alterations will result in a small reduction in the volumes of wastewater entering the foul sewer from those of the permitted development and therefore will have no effect upon the loading to the Ringsend WWTP. They will have no noticeable effect to the construction phase when compared with the permitted development.

- 11.4. The updated AA Screening Report concludes that the requested alterations result in no change to the conclusions reached on the previous application at this site, and that, based on the best scientific evidence, it can be clearly demonstrated that no elements of the project will result in any impact on any relevant European site, either on their own or in combination with other plans or projects, in light of their conservation objectives.
- 11.5. Having reviewed the documents and submissions, I am satisfied that the information submitted 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.
- 11.6. The Board is directed to section 12.0 of the Inspector's Report of ABP-308877-20, which comprises an AA screening of the permitted development and concludes that, having regard to the nature and scale of the development, to the proposed foul and surface water treatment measures and construction mitigation measures, the nature of the receiving environment and proximity to the nearest European sites, it was reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives that and a Stage 2 AA was therefore not required. The Board also completed an AA Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the AA Screening Report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any

European Site in view of the sites' conservation objectives, and that a Stage 2 AA was not, therefore, required.

- 11.7. I note the zoned and serviced nature of the development site and the fact that the requested alterations do not involve any significant amendments to site services or surface water drainage. Having considered the Board's determination on Appropriate Assessment on ABP-308877-20, the nature, scale and extent of the requested alterations relative to the development subject of and approved under ABP-308877-20, and the information on file which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations requested, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 11.8. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## 12.0 Recommendation

- 12.1. As per section 146B(3)(b)(ii), the Board may (I) make the proposed alteration; (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or (III) refuse to make the alteration. As per the above discussion, the requested alterations are considered acceptable without any further amendments. I therefore recommend that the Board apply the provisions of section 146B(3)(b)(ii)(I) and make the requested alteration in accordance with the draft order set out below.

### **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 24<sup>th</sup> day of September 2021 from Seabren Developments Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic

Housing Development of 101 no. apartments and associated site works at the former Europa Garage Site, Newtown Avenue, Blackrock, Co. Dublin, the subject of a permission under An Bord Pleanála reference number ABP-308877-20.

**WHEREAS** the Board made a decision to grant permission, subject to 25 conditions, for the above-mentioned development by order dated the 12<sup>th</sup> April 2021,

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the requested alterations are described as follows:

- The reduction in height of Block B to two to four (plus attic floor), resulting in 44 number apartments with a total gross floor area circa 3,998 square metres in Block B and a total of 91 number units in the overall scheme (Block A and B with gross floor area circa 10,829 square metres including basement) as follows:
- Omit one number storey from southern end of Apartment Block B as required by Condition Number 2 of the consented scheme ( An Bord Pleanála application Reference ABP-308877-20). Reducing the height from five storeys to four storeys and resulting in the omission of one number unit.
- Omit two number storeys from northern end of Apartment Block B, reducing the height of the block from six storeys (plus attic floor) to four storeys (plus attic floor), resulting in the omission of nine number apartment units (two number one-bedroom apartments, three number two- bedroom apartments, and four number three-bedroom apartments).
- Reduction in total floor area of Block B from 5,041 square metres to 3,998 square metres.

**AND WHEREAS** the Board decided to require the requestor to make available information relating to the request for inspection, and require the requestor to invite submissions or observations,

**AND WHEREAS** the Board having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(b)(i)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by the Board on the 24<sup>th</sup> day of September 2021.

### **MATTERS CONSIDERED**

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

### **REASONS AND CONSIDERATIONS**

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

- (a) The policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Blackrock Local Area Plan 2015-2021;
- (b) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (c) The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments;
- (d) The nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-308877-20;

- (e) The appropriate assessment screening and environmental impact assessment screening carried out in the course of this application;
- (f) The limited nature and scale of the alterations;
- (g) The absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the requested alterations;
- (h) The absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the requested alterations, and
- (iv) The report of the Board's Inspector.

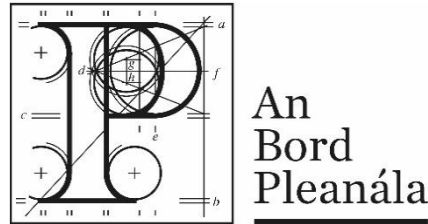
It is considered that the requested alterations to the permitted development would be generally in accordance with the provisions of the of the Dun Laoghaire Rathdown County Development Plan 2016-2022, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted and would not injure the character of the permitted development or the level of amenity that it would afford its occupants and would not have any significant adverse impacts on the settings of adjacent protected structures or the Newtown Villas Architectural Conservation Area. The requested alterations would therefore be in keeping with the proper planning and sustainable development of the area.

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Sarah Moran  
Senior Planning Inspector

26<sup>th</sup> July 2022

**Appendix A: EIA Screening Form**



**EIA - Screening Determination for Strategic Housing Development Applications**

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		ABP-311473-21
<b>Development Summary</b>		<p>Alterations to permission ABP-308877-20 to result in:</p> <ul style="list-style-type: none"> <li>• The reduction in height of Block B to two to four (plus attic floor), resulting in 44 number apartments with a total gross floor area circa 3,998 square metres in Block B and a total of 91 number units in the overall scheme (Block A and B with gross floor area circa 10,829 square metres including basement) as follows:</li> <li>• Omit one number storey from southern end of Apartment Block B as required by Condition Number 2</li> </ul>

		<p>of the consented scheme (An Bord Pleanála application Reference ABP-308877-20). Reducing the height from five storeys to four storeys and resulting in the omission of one number unit.</p> <ul style="list-style-type: none"> <li>• Omit two number storeys from northern end of Apartment Block B, reducing the height of the block from six storeys (plus attic floor) to four storeys (plus attic floor), resulting in the omission of nine number apartment units (two number one- bedroom apartments, three number two- bedroom apartments, and four number three-bedroom apartments).</li> <li>• Reduction in total floor area of Block B from 5,041 square metres to 3,998 square metres.</li> </ul>
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIA Screening Report and AA Screening Report were submitted with the application
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	

<p><b>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</b></p>	<p><b>Yes</b></p>	<p>SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022.</p>
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<p><b>B. EXAMINATION</b></p>	<p><b>Yes/ No/ Uncertain</b></p>	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
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**1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)**

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The alterations comprise the construction of residential units on zoned lands. The nature and scale of the proposed alterations are not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
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<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposed alterations are located on an infill site at Newtown Avenue, Blackrock, Co. Dublin, within Dun Laoghaire Rathdown. The proposed alterations are not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></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 Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></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 Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></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 Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></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 Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is an alteration to an existing permitted development. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p><b>No</b></p>
<p> </p>			
<p>2. Location of proposed development</p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ul style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> </ul>	<p><b>No</b></p>	<p>No European sites located on the site. An AA Screening Report accompanied the original application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the sites Conservation Objectives.</p>	<p><b>No</b></p>

<p><b>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</b></p>			
<p><b>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?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>There are protected structures and a national monument within / adjacent to the site, however the proposed alterations do not negatively impact on these.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p><b>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?</b></p>	<p><b>No</b></p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	<p>No</p>
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road, pedestrian and cycle network and Dart. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>The alterations would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

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

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

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed alterations, which are below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands zoned for residential development under the Dun Laoghaire Rathdown County Development PPlan 2016-2022.
- d) The existing / permitted use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed alterations,
- g) The location of the alterations outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and



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

It is considered that the proposed alterations 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:** \_ Sarah Moran\_\_

**Date:** \_\_26<sup>th</sup> July 2022\_\_

