



An
Bord
Pleanála

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

Inspector's Report ABP-311606-21

Strategic Housing Development	Construct 249 apartments, ancillary residents' facilities and associated development
Location	Lands at Carriglea Industrial Estate, Muirfield Drive, Naas Road, Dublin 12
Planning Authority	Dublin City Council
Applicant	Golden Port Estates Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water2. Transport Infrastructure Ireland
Observers	None
Date of Site Inspection	14 th December 2021
Inspector	Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated 5km to the southwest of Dublin city centre in the Bluebell/Drimnagh area and off the Naas Road, the application site primarily comprises former light industrial lands that have recently been substantially cleared and are being used as part of wider ongoing construction works. The site is stated to measure 1.5ha and forms the southwest half of a landholding measuring 2.6ha that was previously subject of permissions for residential development, with phase 1 construction of a development on this landholding having commenced on the adjoining lands to the northeast. The Camac River running through an underground culvert generally separates the subject phase 2 lands from the phase 1 development site. A construction compound has been set up in the southeast corner of the application site and this appears to involve the use of the only existing buildings on the subject phase 2 site, including a low-pitch roof warehouse structure. The main structures for the phase 1 development are currently approaching the latter stages of their construction. With the exception of the site boundary along the phase 1 lands, the remainder of the site is primarily bound by 2m-high rail fencing. Access to the site is currently only available from the northwest off Carriglea Drive. Ground levels on site are relatively level throughout.
- 2.2. The immediate area is characterised by a mix of land uses, including light industrial uses and car showrooms to the north, recreational grounds, including playing fields, associated with Drimnagh Castle Post-Primary School to the south and west, and a public walkway and cycleway along the Lansdowne Gate apartment complex to the east. Concordia industrial estate to the northwest of the site and fronting onto the Naas Road is the subject of a recent strategic housing development permission for 492 build-to-rent apartments (ABP ref. 304383-19), which does not appear to have commenced to date.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

Construction Works

- the provision of 249 apartments in 8 five to eight-storey blocks (D, E, F, G, H, J, K, and L), each featuring solar photovoltaic panels at roof level;
- the provision of a meeting space (149sq.m) and a community facility (173sq.m) at ground floor to block E, a café (155sq.m) and a digital hub (140sq.m) at ground floor to block F and a residents' concierge (92sq.m) at ground floor to block L;

Ancillary and Supporting Works

- vehicular access from phase 1 lands off Muirfield Drive to lower-ground level undercroft car park, as well as pedestrian and cyclist accesses off Carriglea Drive;
- internal shared surface, fire tender, pedestrian and cyclist routes, lighting and signage;
- a total of 185 car parking spaces, including two set-down / drop-off spaces at surface level fronting block L and ten car-club spaces, as well as 554 cycle parking spaces;
- the provision of hard and soft landscaping, including a raised podium-level communal space, seating areas and metal-frame shelter structure and play areas;
- drainage and civils works to facilitate the development connecting with services within the adjoining permitted phase 1 development, sustainable urban drainage systems (SUDS), surface and foul drainage infrastructure and all other associated and ancillary development/works.

3.2. The following tables set out the key features of the proposed strategic housing development:

Table 1. Development Standards

Site Area (excluding roadway)	1.5ha
No. of apartments	249
Part V units (%)	25 (10%)
Residential Gross Floor Area (GFA)	24,737sq.m
Non-residential GFA (% total GFA)	709sq.m (2.8%)
Covered Car Park (% of total GFA)	c.3,084sq.m (12.1%)
Total GFA	25,446sq.m
Residential Density	166 units per ha
Communal Open Space	3,084sq.m
Public Open Space (includes Phase 1)	3,969sq.m
Plot Ratio	1.57
Site Coverage	26%

Table 2. Unit Mix

	Studio	One-bedroom	Two-bedroom	Three-bedroom	Total
Apartments	2	59	153	35	249
% of units	0.8%	23.7%	61.5%	14%	100%

Table 3. Maximum Building Heights

Storeys	Height
5 to 8	26.06m

Table 4. Parking Spaces

Car parking - Standard	145
Car parking – Electric vehicles	20
Car parking - Universal	10
Car parking – Car club	10
Total Car parking	185
Cycle parking	554

3.3. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report;
- Statement of Consistency with Planning Policy;

- Statement of Material Contravention with Dublin City Development Plan 2016-2022;
- Statement of Response to the Notice of Pre-Application Consultation Opinion;
- Statement in accordance with Article 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001, as amended;
- Social and Community Infrastructure Statement;
- Childcare Demand Report;
- Architectural Design Statement;
- Housing Quality Assessment;
- Part V Proposals for Planning Application Validation and Correspondence;
- Landscape Specification;
- Landscape Design Rationale;
- Assessment of the Visual Impact on the Built Environment;
- Verified Views and Computer-Generated Images (CGIs) Booklet;
- Sunlight and Daylight Access Analysis;
- Civil Infrastructure Report (including site flood risk assessment);
- Irish Water Pre-Connection Enquiry Form and Response;
- Traffic Impact Assessment Report;
- Residential Travel Plan Report;
- DMURS Compliance Report;
- Stage 1 & 2 Road Safety Audit;
- Environmental Impact Assessment (EIA) Screening Report;
- Site Ecology Report;
- Appropriate Assessment (AA) Screening Report;
- Mechanical and Electrical Utilities Report;
- Energy Analysis Report;

- Building Lifecycle Report;
- Property Management Strategy Report;
- Preliminary Access and Use Strategy;
- Site Lighting Report;
- Luminaire Schedule;
- Microclimatic Wind and Pedestrian Comfort Report;
- Construction Management Plan and Construction & Demolition Waste Management Plan, including Preliminary Safety and Health Plan;
- Operational Waste Management Plan.

4.0 Planning History

4.1. Application Site

4.1.1. Since the initial grant of the parent planning permission in October 2016 under Dublin City Council (DCC) reference (ref.) 4244/15 for 340 apartments and a crèche in eight blocks on the overall landholding (2.6ha), there has been several amendments to this parent permission, including DCC refs. 2438/17, 2875/17, 3940/17 and 2319/18, as outlined in the Planning Authority's report. The parent permission is presently the subject of an application for an extension of duration (ref. 4244/15/X1). Other recent planning applications of note relating to the subject application site include the following:

- DCC ref. 2176/18 – permission was granted by the Planning Authority in March 2019 for amendments comprising a reduced basement area and a reduction of car parking from 346 to 260 spaces and an increase from 552 to 594 cycle parking spaces and associated development. Conditions attached refer to the requirement for six car club spaces and a residential travel plan;
- DCC ref. 2203/18 – permission was granted by the Planning Authority in March 2019 for a reduction of three apartments overall in the phase 2 blocks and associated development;

- DCC ref. 3628/21 – permission was granted by the Planning Authority in January 2022 for the use of a northern portion of the application site (phase 2c area) as a surface-level car park with 58 spaces serving residents of the adjoining phase 1 apartments for a temporary two-year period.

4.2. Surrounding Area

4.2.1. Recent planning applications in the neighbouring area are generally reflective of the wide range of land uses in the vicinity. At present, the closest strategic housing development applications in the vicinity of the application site relate to the following:

- ABP ref. 304686-19 – permission granted by the Board in September 2019 for 153 apartments and townhouses on a site located approximately 300m to the south of the application site on the Long Mile Road;
- ABP ref. 304383-19 – permission granted by the Board in August 2019 for 479 build-to-rent apartments and seven ground-floor commercial units in the Concordia Industrial Estate located adjoining the site to the northwest along Carriglea Drive and the Naas Road.

4.2.2. The following application relates to a large-scale mixed-use development on the Royal Liver Insurance Retail Park site located 250m to the northwest of the subject application site along the Naas Road:

- ABP ref. 307804-20 / DCC ref. 4238/19 – permission was granted by the Board in November 2020 for a period of ten years for a development comprising the demolition of single-storey warehouse buildings to provide for nine buildings ranging in height from 7 to 18 storeys containing 992 residential units and 203 shared accommodation units.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 19th day of May, 2021, in respect of a proposed development comprising 249 apartments and associated site

works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- design and layout, including ground-floor interface, materials, dual aspect and internal access;
- development strategy, including phasing (open space and parking) and servicing;
- visual impact assessment and sunlight / daylight assessments;
- transport issues, including upgrade proposals and ownership;
- drainage upgrades, build-to-rent applicability.
- liaison with Dublin City Council.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ref. ABP-309666-21) dated the 16th day of June, 2021, An Bord Pleanála stated that it was of the opinion that further consideration and amendment to constitute a reasonable basis for an application under section 4 of the Act of 2016 was required. In the opinion of An Bord Pleanála, further consideration and/or justification was required with respect to the phasing strategy for the overall development, including the delivery of car parking and public open space to serve Phase 1. Furthermore, in the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- landscaping plan for open space and associated management plans;
- relevant consents for works inside and outside the site;
- a construction management plan;
- materials and finishes details;
- a building lifecycle report;
- a visual impact assessment with photomontages;

- drawings identifying how dual aspect is assigned;
- an updated sunlight/daylight/overshadowing analysis;
- responses to issues relating to road upgrades, overall design and the layout of car and cycle parking, as well as drainage relative to the culverted river;
- information under Articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations 2001-2021, unless an EIA Report is to be submitted.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Irish Water;
- Transport Infrastructure Ireland;
- the National Transport Authority;
- the relevant Childcare Committee.

5.3. Applicant's Response to Opinion

5.3.1. The application includes a report titled 'Statement of Response to Pre-Application Consultation Opinion'. Section 2 of the applicant's response report outlines the phasing and development strategy for the overall development. Section 3 of the applicant's response report outlines the specific application information that has been submitted with the application, while also detailing how the development is considered to comply with the respective planning requirements and meet the Board's opinion.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future

growth and development of Ireland to the year 2040, and within this framework Dublin is identified as one of five cities to support significant population and employment growth. National policy objective (NPO) 3(b) aims to deliver at least half of all new homes within the existing built-up footprints of the five largest cities.

- 6.1.2. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations. Section 4.5 of the NPF addresses the achievement of infill and brownfield development, including NPO 11 supporting a presumption in favour of development encouraging more people and generating more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth. Further NPOs for people, homes and communities are set out under chapter 6 of the NPF. NPOs of relevance to this application include NPOs 13, 27, 33 and 35 relating to densification and compact urban growth.

Ministerial Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Housing for All – A New Plan for Housing in Ireland (2021);
- Climate Action Plan (2021);
- Traffic Management Guidelines (Department of Transport, Tourism and Sport, 2019);
- British Standard (BS) EN 17037:2018 ‘Daylight in Buildings’ (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (BRE, 2012);
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

6.2. Regional Planning Policy

6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of

Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;

- 6.2.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure.

6.3. Local Planning Policy

Dublin City Development Plan 2016-2022

- 6.3.1. The application site and the adjoining lands have a land-use zoning objective 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'. The Development Plan states that these areas have the capacity for a substantial amount of development. Permissible uses in 'Z14' areas include residential uses. There is a requirement for 10% of 'Z14' lands that are to be developed to be provided as meaningful public open space, although this can be addressed via contributions in lieu of a shortfall in certain circumstances. The indicative plot ratio for developing 'Z14' lands is stated as being within 1.0 and 3.0, and an indicative site coverage of up to 50% is also provided for in the Development Plan.
- 6.3.2. The site is identified in the Plan as forming part of SDRA 5 for the Naas Road lands. In such areas, section 4 of the Plan states that higher densities will be promoted. The Development Plan identifies that the lands form part of approximately 100 hectares of major brownfield sites on a gateway into the city with good public transport links, included within the Naas Road Lands Local Area Plan 2013. Figure 24 of the Development Plan illustrates that the subject lands are to be developed for 'residential and associated uses'. Linking the Local Area Plan lands into the wider surrounding environment as part of their redevelopment is an objective for the SDRA. Table E of the Development Plan sets out an estimated capacity of 2,100 residential units on the Naas Road SDRA 5 lands.

- 6.3.3. Section 4.5.2 of the Development Plan addressing the 'Inner Suburbs and Outer City as Part of the Metropolitan Area', states that amongst other issues the overall challenge is to develop the suburbs as building blocks to strengthen the urban structure of the city and for these areas to comprise the full range of district centres. As it is projected to be a key population growth centre, the Naas Road area is identified as a 'Key District Centre' in the Development Plan, conforming to the top-tier of urban centres outside of the city centre. The Development Plan sets out a range of policies aimed at focussing a variety of uses into such areas.
- 6.3.4. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 6.1 above. Policy SC13 promotes sustainable densities with due consideration for surrounding residential amenities. The Development Plan includes a host of policies addressing and promoting apartment developments. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) is referenced in the Development Plan with respect to the consideration of aspect, natural lighting, ventilation and sunlight penetration for new apartments.
- 6.3.5. Section 16.7.2 of the Development Plan sets out building height limits, including a 24m restriction for commercial and residential buildings within 500m of an existing Luas station. Other relevant sections of the Development Plan include the following:
- Section 4.5.3 - Making a More Compact Sustainable City;
 - Section 4.5.9 – Urban Form & Architecture;
 - Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
 - Section 16.2 – Design, Principles & Standards;
 - Section 16.10 - Standards for Residential Accommodation;
 - Section 16.38 – Car Parking Standards (Zone 2 – maximum of one space per residential unit);
 - Section 16.39 - Cycle Parking Standards (minimum of one space per residential unit).

- 6.3.6. Dublin City Council has released a Draft Dublin City Development Plan for the period 2022 to 2028. Within this draft Plan the application site continues to be assigned a 'Z14 – SDRA' zoning.

Naas Road Lands Local Area Plan 2013

- 6.3.7. According to the Planning Authority, the Naas Road Lands Local Area Plan has been extended to cover the period up to January 2023, and this Plan identifies the application site as being within key district centre lands. The estimated quantum of development arising from the land use strategy is expected to provide for 50,000 to 200,000sq.m in residential floorspace, although the Local Area Plan states that this would ultimately be determined by the detailed design, site availability and demand.
- 6.3.8. Development standards are outlined throughout the Local Area Plan, as well as specific objectives relating to the site. A maximum of five storeys is allowed for on the site based on its location within a key district centre and net residential densities of 45 to 50 units per hectare are permissible based on a range of unit types. Pedestrian linkages are proposed along the periphery of the application site and across the overall landholding as part of the Local Area Plan. Vehicular access to this site would be taken from Muirfield Drive based on the provisions of the Local Area Plan. Along the line of the existing culverted Camac River it is proposed in the Local Area Plan to provide a linear greenspace uncovering the watercourse generally running northwest to southeast through the subject overall landholding. Lands on the southeastern boundary of the site are identified in the Local Area Plan as being partially within 'flood zone B' with a moderate risk of flooding. The site is outside of the safety consultation zones for neighbouring 'Seveso II' sites.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 4.1 of the statement initially refers to the provisions of Project Ireland 2040 and Rebuilding Ireland – Action Plan for Housing and Homelessness. Following this the statement addresses Ministerial guidelines, including those referenced in section 6.1 above. Section 4.2 of the statement focuses on regional planning policy and section 5 focusses on local planning policy. The statement refers to the various documentation and drawings

contained within the application to assert adherence of the proposals to planning policies, objectives and standards. The statement asserts that the proposed development would be consistent with local planning policy and that where proposals vary from local planning policy, specifically with respect to building height, the proposals would be consistent with Ministerial guidelines, thereby allowing permission to be granted for the proposed development.

8.0 Material Contravention Statement

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant asserts that the proposed development would materially contravene the Development Plan solely with respect to the proposed building heights for blocks D, E and L of the development. To attempt to justify the proposed building heights, the applicant sets out the following:

- five to ten-storey buildings are being proposed, including a maximum building height of 26m, compared with the 24m Development Plan building height restriction;
- the site is capable of accommodating additional building height without compromising residential amenities and the subject proposals would provide for a well-considered redevelopment of a vacant brownfield urban infill site that is close to public transport services and local amenities;
- the proposed building heights are permissible having regard to national policy, including Specific Planning Policy Requirements (SPPRs) of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines'), which mandate for increased building heights in suitable locations to provide an appropriate density for infill sites that are well serviced by public transport services and local amenities;
- national guidance should take precedence over any guidance issued by the relevant Development Plan.

8.2. In conclusion, the applicant asserts that the Board may grant permission for the subject strategic housing development having regard to subsections 37(2)(b)(ii) and

(iii) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’).

9.0 Observers’ Submissions

9.1. No observations were received from third parties within the statutory period.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the external consultee submissions received and providing planning and technical assessments of the proposed development. The Planning Authority’s views can be summarised as follows:

Principle, Density and Phasing

- the principle has been previously established by the parent permission (DCC ref. 4244/15), which this proposal seeks to amend;
- the site is located along a major arterial route into the city centre and within an urban area that is well served by amenities, such as the Bluebell Luas stop and bus stops;
- it is accepted that the proposed development generally accords with the relevant land-use zoning and strategic development objectives for this location;
- the proposed plot ratio (1.57) would be within the Development Plan parameters for ‘Z14’ lands, while the proposed site coverage (26%) would be appropriate in safeguarding the effects of overdevelopment and in protecting amenities;
- the increased number of units and density of development would be appropriate and acceptable, given the site zoning, the available services and public transport service options;
- the phasing proposals would provide a temporary car park outside of the linear park and a condition limiting its use for two years would be acceptable;

Layout, Height and Design

- the materials and layout continue that which was previously permitted, with the basement level omitted in favour of a lower-ground floor level;
- ground-floor uses would provide sufficient active frontage and the residential accommodation would provide sufficient surveillance of the linear park;
- the additional entrances at podium level and pedestrian routes would aid in breaking up the mass of the overall development;
- given the context of the proposed development and the location of the subject site adjacent to quality public transport services, it is considered that the proposed development is capable of achieving building heights greater than the Development Plan standards. Consequently, in combination with the planning history, as well as national and local planning policy, the proposed building heights would be appropriate for the site;
- set back balconies within each block and differing material finishes in the upper levels would aid in breaking up the visual massing of the additional building heights;
- the addition of a single floor to each block would have a slight to moderate visual impact on the area and in some instances, the impact would be imperceptible;

Residential Development Standards

- the residential mix, private open space, room sizes, storage areas and floor to ceiling heights comply with the standards;
- a minimum of 33% of the units should be single aspect and the layout and arrangement of the 67% dual aspect units have been suitably designed, in accordance with the New Apartment Guidelines, while the single aspect north-facing apartments in block D have been provided with oversized balcony areas (7 to 7.5sq.m);
- communal open space amounting to 1,689sq.m would be required, while 3,084sq.m of such space is proposed and this would be directly accessible for

residents off the building access cores. A total of 4,292sq.m of communal open space would be provided throughout the phase 1 and 2 developments;

- the security and privacy of ground-floor units has been addressed via a landscaped buffer and defensible space fronting these units;
- the open space and apartments would receive sufficient levels of lighting;
- wind analysis did not identify any problems with the proposals;
- it is understood that an agreement in principle has been reached regarding Part V proposals;

Neighbouring Residential Amenities

- proposals would have a moderate impact on daylight access to several rooms within the adjoining Lansdowne Gate apartments;
- additional overshadowing would have a moderate to significant change in sunlight access to windows in blocks B, C and D of Lansdowne Gate;
- a slight additional overshadowing impact would arise for the linear park, but this would continue to receive the recommended levels of sunlight throughout most of the day and year;
- the nature of the development is such that significant levels of air, noise and light pollution would not arise and a condition can be attached with respect to noise levels;

Traffic and Parking

- excluding car share spaces, a reduction from the permitted 0.66 to 0.45 car parking spaces per apartment would be provided and this is comparable with other developments in the vicinity;
- cargo or non-standard bike spaces are not proposed and should be provided, while the visitor cycle parking spaces should be served by greater levels of surveillance and security;
- a car parking strategy and a mobility management plan should form conditions in the event of a permission;
- the application (DCC ref. 3628/21) for a temporary car park is noted;

- reduced levels of car parking would decrease the traffic impacts and the proposed development would allow for road junctions to operate within capacity;
- the construction management plan does not address the access from phase 1 to the car parking in phase 2, and site compound details would be necessary;

Other Matters

- the number of childcare places that would be required for the proposed development would be capable of being met within the approved childcare facility in the phase 1 development under construction;
- Appropriate Assessment and EIA are matters for the Board to consider as the competent authority in this regard;

Conclusion, Recommendation and Statement

- the proposed strategic housing development would broadly be consistent with the provisions of the Development Plan and consideration should be given to a grant of permission;
- the Planning Authority recommend the attachment of 16 conditions, including those referenced above and the following conditions of note:

Condition 2 – materials and finishes;

Condition 3 – materials maintenance strategy;

Condition 4 – adaptability study for the development;

Condition 5 – (a) details of the access arrangements to car parking serving the Phase 1 development shall be provided;

Condition 5 – (b) a revised site layout detailing a pedestrian and cycle route entrance at the site's junction with the Carriglea Drive;

Condition 5 – (d) a revised cycle parking layout drawing detailing cargo bike spaces and visitor spaces with improved passive surveillance and security;

Condition 7 – external signage;

Condition 15 – noise and air quality control.

10.2. Inter-Department Reports

- Drainage Division – no objection, subject to conditions;
- Air Quality Monitoring and Noise Control Unit – should permission be granted, conditions are recommended to be attached;
- Housing & Community Services – applicant has engaged with the Housing Department and is aware of their Part V obligations;
- Parks, Biodiversity and Landscape Services - reservations expressed as the Camac River would not be de-culverted within the overall development open space proposals. Conditions relating to landscaping and open space management are recommended in the event of a permission;
- Transportation Planning Division - conditions recommended addressing construction traffic and car parking management, pedestrian and cycle route layouts connecting with Carriglea Drive, the need for a mobility management plan, visitor and cargo cycle parking, electric-vehicle ducting for all car spaces, electric-charging spaces for 10% of the bicycle parking spaces, road repair costs and adherence to codes of practice;
- Environment and Transportation Section – waste requirements are listed;
- Planning and Property Development Department – a bond condition and a section 48 development contribution would apply.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the South Central Area Committee of the Local Authority on the 20th day of October, 2021. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- development, including high density, is suitable in this location;
- concerns expressed regarding cumulative traffic impacts, the management of access to community facilities, the absence of electric-vehicle charging points and the quality of finish to the blocks;

- discussion occurred regarding the mix of units, particularly for social housing purposes, and the merits or otherwise of all Part V units being located within a single block.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Irish Water

- water – there are no plans to upgrade the water supply network in this area. The applicant will be required to fund the network upgrades required to accommodate the development;
- wastewater – the applicant is proposing a new manhole and trees in close proximity to an existing 225mm sewer main;
- the applicant has been issued with a statement of design acceptance for the proposals within the redline boundary;
- conditions are recommended, including those relating to connection and diversion agreements, compliance with Irish Water’s codes and practices, and separation distances of planting from piped infrastructure.

Transport Infrastructure Ireland

- no specific observations on the application.

11.2. The applicant states that they notified the National Transport Authority and Dublin City Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Assessment

12.1. Introduction

12.1.1. The proposed development primarily comprises amendments to phase 2 of a residential development initially granted by the Planning Authority in 2016 (DCC ref. 4244/15). Phase 1 of the development has commenced on site with the superstructure for blocks A-C in place and the external finishes being undertaken to

block B. The primary proposed amendments within this application, following the previously permitted amendments to this phase 2 development (DCC refs. 2176/18 and 2203/18), comprise the omission of the basement-level car park, in favour of a lower-ground floor car park with podium-level communal open space over this, and increased building heights throughout, primarily in providing for 22 additional apartments distributed within six of the eight proposed phase 2 apartment blocks.

12.1.2. There is an extant parent permission for residential development on the subject phase 2 lands (DCC ref. 4244/15) and this was considered by Dublin City Council to comply with planning policy in place in 2016. The applicant is now applying for a new development generally comprising 249 residential units and associated development within eight blocks. It is not a requirement for this assessment to consider if this proposed development would provide for an improved form of development on site when compared with the development previously permitted. The proposed strategic housing development must be considered with respect to current planning policy and its existing site context, including how it would function alongside the ongoing Phase 1 development at both construction and operational phases.

12.1.3. Having regard to the documentation on file, including, the application submitted, the report of the Planning Authority, the submissions from prescribed bodies, the planning and environmental context for the site and my visit to the site and its environs, I am satisfied that the substantive planning issues arising from this proposed development can be addressed and assessed under the following headings:

- Development Principles;
- Urban Design;
- Visual Impact Assessment;
- Impacts on Local Amenities;
- Residential Amenities and Standards;
- Traffic and Transportation;
- Services and Flood Risk;

- Material Contravention.

12.2. Development Principles

Land-Use Zoning Objectives

- 12.2.1. The application site and the phase 1 development lands to the north within the applicant's overall landholding are assigned a land-use zoning 'Z14' within the Dublin City Development Plan 2016-2022 for 'Strategic Development and Regeneration Areas' (SDRAs), with a stated objective to seek the social, economic and physical development and/or rejuvenation of such areas with a mix of uses, of which residential and 'Z6' (enterprise and employment) would be the predominant uses. The commercial and light industrial areas to the north along Muirfield Drive and Carriglea Drive are also zoned 'Z14 – SDRAs'. A wedge of the Drimnagh Castle Post-Primary School playing fields adjoining the application site to the west are zoned 'Z14', although the majority of these playing fields along the site boundaries are assigned a zoning 'Z9 - Amenity/Open Space Lands/Green Network' with an objective 'to preserve, provide and improve recreational amenity and open space and green networks'. The bulk of the Drimnagh Castle Post-Primary School grounds to the south of the application site are zoned 'Z15 - Institutional and Community' with an objective to protect and provide for institutional and community uses.
- 12.2.2. Part of the covered surface-level car park would provide parking to serve the adjoining phase 1 development and based on the purple shaded area identified on the open space layout drawing on page 26 of the applicant's Architectural Design Statement, this covered surface-level car park would cover a maximum area of approximately 3,084sq.m. Having regard to the nature and scale of the residential development proposed, including the non-residential and communal ancillary residential floor space (709sq.m) and the covered surface-level car park (c.3,084sq.m) measuring 3,793sq.m, representing 14.9% of the development floor area and not exceeding the 4,500sq.m or 15% statutory limitations, all located on lands with a zoning objective 'Z14', I am satisfied that the proposed development comes within the definition of a 'strategic housing development', as set out in section 3 of the Act of 2016.

- 12.2.3. The Development Plan states that Z14 lands have the capacity for a substantial amount of development and that a Local Area Plan was adopted in 2013 for the Naas Road Z14-zoned lands. Within this 'Naas Road Lands Local Area Plan' the site is strategically allocated for residential uses, albeit with specific objectives relating to green infrastructure, permeability and connectivity, play areas and roads access, all of which I address further below where relevant. The scale of the proposed development is similar to that on the neighbouring Lansdowne Gate four to seven-storey apartment development, the phase 1 four to seven-storey development that is under construction adjoining the site and the seven storey build-to-rent apartment scheme that is permitted, but not yet commenced, on the Concordia industrial estate (ABP ref. 304383-19).
- 12.2.4. The dominant use of the site would be for residential purposes, with other ancillary residential uses comprising a residents' concierge, a meeting space and a community facility. The café and digital hub would not be specifically for residents of the development and, as such, both would be open to the public. The applicant notes that additional residents' facilities measuring 1,090sq.m would be available in the form of a gymnasium (331sq.), a crèche (425sq.m), a lounge (153sq.m) and a reception/business suite (181sq.m) within the adjoining phase 1 development. Asides from the concierge facility, which would be located at ground-floor to block L in the northwest corner of the site, the non-residential elements of the subject development would be situated at ground-floor level within proposed blocks E and F opening onto the central landscaped linear park to be constructed as part of the phase 1 development.
- 12.2.5. All proposed uses are permitted in principle based on the land-use zoning objectives contained in the Development Plan and the predominance of residential uses would comply with redevelopment objective MDNR01 of the Local Area Plan. I am satisfied that the development would provide for a complementary mix of uses on this site, compliant with the overall vision for these lands, as set out within the Development Plan and the Local Area Plan.

Demolition Works

- 12.2.6. The proposed development does not seek permission to demolish the large warehouse building located on site, which appeared to be in use during my site visit

as part of the construction compound serving the ongoing phase 1 development. Based on the details submitted, including the Construction Management Plan and Construction and Demolition Waste Management Plan, it would appear that the applicant is relying on permission granted under DCC ref. 4244/15 to demolish this structure. This application is currently the subject of an extension of duration application to the Planning Authority (DCC ref. 4244/15/X1). Consequently, while the cumulative development would entail demolition of the structures, my assessment of the proposed development does specifically assess the merits or otherwise of any demolition works. Any potential non-compliance with a previous permission, including the conditions of DCC ref. 4244/15, are enforcement matters that fall within the jurisdiction of the Planning Authority.

Phasing

- 12.2.7. As referred to above, the subject site forms part of a larger redevelopment site that has the benefit of full planning permission from the Planning Authority, including various amendments to the parent permission. The subject phase 2 lands would provide parking, as well as other facilities for future residents of the phase 1 development. Subject to receipt of planning permission, it is stated that the construction phase for the phase 2 development would take approximately 24 to 27 months. As phase 1 of the development is well advanced and it is likely to be completed well in advance of phase 2 completion, it is vital that any essential services in phase 2 that are required by residents of phase 1 are available prior to the occupation of the phase 1 apartments. Development Plan policy QH9 requires larger schemes to be developed in accordance with an agreed phasing programme to ensure that suitable physical, social and community infrastructure is provided in tandem with residential development and that substantial infrastructure is available to initial occupiers. Based on the application details submitted, the bulk of the linear park serving as public open space for the overall development forms part of the ongoing phase 1 stage of development. Given the construction timelines outlined, with the exception of parking facilities, I am satisfied that it would not be essential for any of the other proposed services in the subject phase 2 development, such as the community meeting space, to be provided in advance of the occupation of the phase 1 apartments.

- 12.2.8. The applicant has set out three proposed phases of development on the subject phase 2 lands. The initial phase 2a development would entail the construction of blocks F, G and H and their respective associated parking, open space and circulation areas in the southeast corner, while phase 2b would progress into the central area generally comprising proposed blocks E, K and J. Within the final phase 2c area accommodating a construction compound for phases 2a and 2b, the applicant received a grant of planning permission (DCC ref. 3628/21) in January 2022 for 58 car parking spaces to be provided on a temporary two-year basis to serve residents of phase 1. The applicant's phasing would allow for proposed blocks L and D to be constructed once the temporary car park is no longer required, and according to the applicant this would occur when sufficient parking to serve phase 1 residents would be available on a permanent basis in phase 2a of the development. The information provided does not indicate how vehicular access through phase 2c and 2b areas to the phase 2a parking area would be provided on a temporary basis while the subject construction works on the phase 2b and phase 2c areas of the development are being progressed.
- 12.2.9. Based on the scheduling outlined in the applicant's Construction Management Plan entailing completion of the phase 2b area of the proposed development in quarter 4 of 2023, the two-year temporary period permitted for the car park on the phase 2c lands would align with the intended phasing for the subject development. The extent of permitted car parking comprising 58 temporary spaces to serve 144 apartments in phase 1, would be at a similar ratio (0.4 spaces per unit) to that proposed in the subject phase 2 development (0.45 spaces per unit). Phase 1 residents would also be reliant on a proportion of the cycle parking proposed within the phase 2 development.
- 12.2.10. It is intended that the access from Carriglea Drive would only serve as a construction access until completion of the subject phase 2 development. I am satisfied that alternative temporary solutions during the construction of phase 2b and phase 2c to facilitate vehicular access to the phase 2a parking area could be provided across the site from Muirfield Drive and alternative cycle parking facilities could also be provided. Notwithstanding this, in the interests of clarity and public safety, and to ensure sufficient parking would be available throughout the various stages of the development, in the event of permission being granted, I consider that a condition

should be attached to require further details in this regard to be agreed with the Planning Authority. In conclusion, subject to further clarification of the phasing proposals, I am satisfied that sufficient phasing arrangements can be provided for the proposed development in line with policy QH9 of the Development Plan.

Development Density

- 12.2.11. The proposed development comprising 249 apartments on a net site area of 1.5ha, would result in a density of 166 units per hectare. In conjunction with the ongoing phase 1 development, a gross residential density of 149 units per hectare would arise. When compared with residential densities in the wider urban environment, such densities would be clearly at the higher end. The subject development would have a plot ratio of 1.57 and a site coverage of 26%, which is within the 1.0 to 3.0 indicative plot ratio and the 50% site coverage normally allowed for in the Development Plan on 'Z14' lands. A restriction on residential density based on the number of units per area is not set within the Development Plan.
- 12.2.12. The applicant asserts that the quantum of development proposed would be acceptable based on the density of 262 units per hectare permitted for the adjacent Concordia industrial estate redevelopment (ref. ABP-304383-19), the site location adjacent to high-quality public transport, the character of the existing urban environment and the general context for the site. The Planning Authority consider the 22 additional proposed apartments and the overall density of development to be appropriate and acceptable, given the zoning, the available services in the area and the public transport options.
- 12.2.13. Planning policy at national and regional levels seeks to encourage higher densities in appropriate locations. The NPF seeks to deliver on compact urban growth and NPOs 13, 27, 33 and 35 of this framework seek to prioritise the provision of new homes at locations that can support sustainable development, while seeking to increase densities in settlements through a range of measures. The site is within the Dublin Metropolitan Area Strategic Plan area, which is identified in the RSES, where consolidation of Dublin city and its suburbs is supported. Section 28 guidance, including the Sustainable Residential Development in Urban Areas Guidelines, the Building Heights Guidelines and the New Apartments Guidelines, provide guidance in relation to areas that are suitable for increased densities. The Sustainable

Residential Development in Urban Areas Guidelines promote minimum net densities of 50 units per hectare within 500m walking distance of bus stops and within 1km of light rail/rail stations. An upper limit on densities is not stated in these Guidelines, which state that the highest densities should be located at rail stations / bus stops, and decreasing with distance away from such nodes. The New Apartment Guidelines define locations in cities and towns that are suitable for increased densities, with a focus on the accessibility of a location by public transport and the proximity of a location to city/town/local centres or employment areas. The New Apartment Guidelines state that 'central and / or accessible' urban locations are generally suitable for small to large-scale and higher-density development that may wholly comprise apartments. The Guidelines note that the scale and extent of development should increase in relation to proximity to core urban centres and public transport, as well as employment locations and urban amenities. Policy SC13 of the Development Plan promotes residential densities that facilitate the creation of sustainable neighbourhoods and the Plan also encourages development at higher densities, especially in public transport catchments.

12.2.14. The site is approximately 170m from Bluebell Luas stop (high-frequency red line services) and between 150m and 200m from bus stops located on Naas Road serving the high-frequency Dublin bus route 13, as well as other less frequently served routes 68 and 69. These public transport services connect with services and facilities within the city centre and to the west of the M50 motorway. Under Bus Connect proposals Dublin bus route 13 would be replaced by a high-frequency D-spine service and there would also be a neighbouring high-frequency radial-route service S4, connecting areas between Liffey Valley, Kylemore and University College Dublin. The site is approximately a 1km walk from the Ballymount and Parkmore industrial estates employment area. Accordingly, I am satisfied that the site is within an accessible urban location based on the definitions in the New Apartment Guidelines.

12.2.15. Given the site's strategic location within the M50 corridor, its proximity to Luas services, high frequency bus services and employment areas, and its connectivity via public transport with higher-order urban services and facilities, I am satisfied that the site can sustainably support the density of apartments that is proposed based on the need for high density development to occur in such areas following guidance

within the NPF, the RSES and the Development Plan. The proposed density is similar to existing (Lansdowne Gate), permitted (Concordia industrial estate) and under construction (phase 1) residential developments in the immediate area and would be appropriate at this location given the stated planning policy objectives and the need to deliver sufficient housing units within the MASP area, as well as the need to ensure efficient use of land and the maximum use of existing and future public transport infrastructure. The Chief Executive's report also accepts these points in supporting the development and objections to the development on density grounds have not been cited.

12.2.16. In conclusion, the proposed density for the application site complies with the provisions of the Development Plan and Government policy seeking to increase densities and thereby deliver compact urban growth. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues under relevant headings in my assessment below.

Housing Tenure

12.2.17. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department should be notified of the application.

12.2.18. Appendix 2A of the Development Plan addresses the supply of social housing in the city and requires 10% of units on all residential zoned land to be reserved for the purpose of social housing. The applicant has submitted Part V proposals that comprise the provision of 25 apartments (10%) to Dublin City Council in a mix of eight one-bedroom, 13 two-bedroom and four three-bedroom units, all within block D of the development. The Housing Division of the Planning Authority has stated that the applicant has engaged with the Planning Authority on this matter and is aware of their obligations. The issue of distribution, as raised by Executive Members of the Planning Authority, is a matter for agreement between the Planning Authority and the developer. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021 approximately one month prior to the lodgement of this strategic housing

development application. Based on the details of the chronology of applications relating to this landholding, it would appear that the applicant controlled the subject lands prior to the September 2015 and a 10% Part V requirement would therefore appear to apply. I am satisfied that Part V requirements can be finalised with the Planning Authority by means of condition, should the Board decide to grant permission for the proposed development.

12.2.19. In conclusion, I am satisfied that the details provided accord with the requirements set out within the relevant Guidelines, the proposed Part V provision is in accordance with statutory requirements and the overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location. Based on the section 28 Guidelines addressing the regulation of commercial institutional investment in housing, there is not a requirement to regulate investment in the proposed units, as apartments are exempt from a restrictive ownership condition.

12.3. **Urban Design**

Layout and Massing

12.3.1. Section 16.2.1 of the Development Plan addressing 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm. The applicant is proposing to construct eight apartment blocks of five to eight storeys in height, generally sited in two parallel rows and orientated along a northwest to southeast alignment. Vehicular access would be via the phase 1 area of the overall development off Muirfield Drive, following a route running along the north and western boundaries of the site to a lower ground-floor level car park. A pedestrian and cycle route connection onto Carriglea Drive is also proposed and the proposed apartment blocks would be surrounded by a looped pedestrian and walking route connecting into the linear park within the phase 1 development. Non-residential uses, including the external seating area for the proposed café, would open onto the linear park. External stairs and internal access through each of the apartment blocks would provide access to a central raised podium-level communal space situated between the apartment blocks, with the

access arrangements to same addressed in the applicant's Preliminary Access and Use Strategy report.

- 12.3.2. The applicant has provided a variety of material to rationalise their development designs, including an 'Architectural Design Statement' and a 'Landscape Design Rationale'. Section 4.1.6 of the applicant's 'Statement of Consistency with Planning Policy' sets out how they consider the detailed design of the scheme meets the 12 principles of the Urban Design Manual. The layout for the proposed development would appear to largely follow the layout permitted under the parent permission (DCC ref. 4244/15) and subsequent amendment permissions (DCC refs. 2176/18 and 2203/18), as well as the need to tie in with the proposals within the phase 1 development. According to the applicant, the proposed blocks are stepped down to address their proximity to the neighbouring apartments in Lansdowne Gate and also to provide optimum levels of natural lighting within the development.
- 12.3.3. I consider the proposed block arrangement to be an appropriate design response to the constraints and context of the site, including the stepped block arrangement. There is a clear relationship between the blocks, a hierarchy of open spaces, including overlooked walking routes and play spaces, and a reasonable setback from the existing apartment blocks to the east, from the permitted Concordia industrial estate residential buildings to the northwest and from the boundaries with the adjoining wedge of Z14 zoned lands to the west within the Drimnagh Castle Post-Primary School playing fields. When compared with residential uses, the proposed non-residential uses within blocks E and F would add greater levels of activity and interest to the development along the central linear park.
- 12.3.4. There is a reasonable provision of pedestrian permeability around the site, although greater clarity is needed in order for the proposals to tie-in with the permitted pedestrian and cycle routes on Carriglea Drive, as well as Local Area Plan objective MDNR03. I address these matters further below under the heading 'Traffic and Transportation'. The development has been designed cohesively with the adjoining phase 1 development and appears to be cognisant of the existing permission to redevelop the Concordia industrial estate (ABP ref. 304383-19). Consequent to the omission of the basement-level car park from the previous permission and the proposed provision of a lower-ground floor car park, a raised plaza structure would be formed. The applicant's 'Architectural Design Statement' illustrates the

alternative means of accessing the podium both from the ground (surface) and first-floor (podium) levels. A selection of views into the ground-floor car park with the podium above this are illustrated in the computer-generated images (CGIs) included within the applicant's 'Architectural Design Statement' (see proposed views 5 and 6), which I am satisfied reveal that a legible layout and cohesive interface at surface level would largely be provided for. A 20m-long stretch of a blank wall enclosing the ground-floor car park would be situated between blocks F and G with a walkway positioned abutting this directly opposite a substation structure permitted as part of the phase 1 development. Limited details of this blank wall structure have not been provided with the application and I am satisfied that it would be necessary and in the interests of the visual aesthetics of the development for details to be provided via condition in the event of a permission to incorporate finishes to this wall and/or soft landscaping to aid in softening the appearance of this blank wall feature, as viewed along the adjoining pedestrian/cycle route.

12.3.5. Only limited details of boundary treatments for the interface with the open area to the south and the commercial properties to the northwest have been provided.

Proposed view 04 in the applicant's 'Architectural Design Statement', as well as the landscaping proposals, suggest that an existing line of mature conifers on the boundary with the playing fields to the west would be removed and in place of this there would be a low hedge with trees planted inside this. The proposed boundary details submitted suggest a much more open boundary onto the playing fields than is presently provided for. It is unclear if the conifers are situated on the application site and Irish Water require the applicant to review the locations of trees and planting along this boundary, particularly within 3m of an existing 225mm-diameter sewer running along this boundary. For clarity, more comprehensive proposals should be submitted regarding site boundary treatments as a condition in the event of a permission, while also addressing Irish Water's requirements.

12.3.6. Public lighting details have been submitted, including ground and lower-ground floor layout plans and a site lighting report identifying likely illumination levels relative to the proposed lighting stands to be used within the proposed development has been provided. Finalised lighting can also be agreed as a condition in the event of a permission.

Open Space

- 12.3.7. Section 16.10.3 of the Development Plan states that ‘the design and quality of public open space is particularly important in higher density areas’. There is a requirement in the Development Plan for 10% of ‘Z14’ lands to be provided as meaningful public open space in development proposals. The hierarchy and function of the various open spaces to serve the permitted phase 1 and subject phase 2 development are indicated on the applicant’s proposed site plan drawing (no. 6163-PL4-S-P008 Revision PL3), including the proposed public and communal open spaces, as well as a metal-frame feature shelter structure. The applicant states that 3,969sq.m of public open space serving the overall 2.6 hectare landholding would be provided, with the vast majority of this to be developed as part of the phase 1 development. The public open space, including play areas, walkways and seating areas, would cover approximately 15% of the overall landholding. The Landscape Design Rationale reveal open spaces and amenity areas of varying function distributed throughout the development and overlooked by residential buildings. I am satisfied that the minimum quantum of public open space required to serve the development would be provided as part of the overall development on this landholding.
- 12.3.8. The report from the Parks, Biodiversity and Landscape Services section to the Chief Executive of the Planning Authority expresses reservations regarding the absence of proposals to de-culvert the Camac River, which is stated to run through a culvert approximately 8m below ground level generally along the line of the permitted linear park. The Local Area Plan includes an objective (MDNR02) to uncover the Camac River running through this landholding along the line of a linear greenspace. The phase 1 proposals provide for a water feature situated along the linear park, although this would not entail the uncovering of the Camac River. While the linear park and culverted river are within the applicant’s landholding, I do not consider it practical or appropriate to attach a condition in the event of permission to uncover this watercourse, as works in this area are already permitted and at an advanced stage and the engineering works to uncover a watercourse at a substantive depth may have additional material implications for the well progressed phase 1 development.

Architectural Details, Materials and Finishes

- 12.3.9. The applicant states that it is intended to maintain the architectural treatments of the previously permitted scheme, including the finishes for the buildings, such as brickwork and rainscreen cladding, and the Planning Authority have acknowledged and accepted this approach within their Chief Executive's report. There would be a consistent architectural language throughout the scheme with the use of solid grey/brown brick elements, large openings and framing, as well as rainscreen cladding at lower and upper levels to break up building elevations. The proposed primary use of brick would provide a robust, low maintenance and long-lasting finish to the buildings. Granite stone cladding would be used as the primary finish in the tallest vertical elements of the buildings, creating visual markers within the development. The choice of materials for the buildings would articulate the massing arrangements and would provide modulation in both the horizontal and vertical elements.
- 12.3.10. The detailing and materials are generally durable and of a high standard, including the hard landscaping finishes, and the final details of materials, can be addressed via condition in the event of a permission for the development. The applicant's rationale for the materials chosen would appear reasonable given the advanced progress on the phase 1 development. There is variety in the scale and a consistency in the rhythm and proportions of the permitted and proposed buildings, and I am satisfied that the proposed scheme is of a contemporary design that would make a positive contribution towards place-making in the area.

Conclusion

- 12.3.11. Subject to conditions, I am satisfied that the overall layout, massing and design of the scheme would provide a logical, practical and legible response in redeveloping this site from an urban design perspective, particularly considering the planning history of the site and the ongoing phase 1 development, in accordance with the principles set out in the Local Area Plan, the Development Plan, the Urban Design Manual and the NPF.

12.4. Visual Impact Assessment

- 12.4.1. The Development Plan or Local Area Plan do not identify any protected views or landscapes of value effecting the site. The Planning Authority did not raise concerns in relation to the scale or visual impact of the development. The Chief Executive’s report asserts that the addition of a single floor to the previously permitted blocks would have a slight to moderate visual impact on the area and in some instances, this visual impact would be imperceptible. An ‘Assessment of the Visual Impact on the Built Environment’ and a booklet of verified views and photomontages, as well as contextual elevations and CGIs accompanied the application. These illustrate the proposed development alongside the permitted phase 1 development. A total of ten short, medium and long-range viewpoints are assessed in the visual impact report.
- 12.4.2. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles, which provide a comprehensive representation of the likely visual impacts from key reference points. The photomontages and CGIs include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition. The following table 5 provides a summary assessment of the likely visual change from the applicant’s ten selected viewpoints arising from the completed proposed development.

Table 5. Viewpoint Changes

No.	Location	Description of Change
1	Lansdowne Gate – 130m southeast	Upper floors of block G would be partially visible, but the remainder of the development would not be visible due to the extensive screen planting along the boundary to the Drimnagh Castle Post-Primary School grounds. The level of visual change is only slight from this location, due to the screening that would be available during winter and summer months.
2	Naas Road– 110m northwest	Upper levels to blocks L and D visible, but partially screened by the existing development along Carriglea Drive. I consider the magnitude of visual change from this

		short-range view to be moderate in the context of the receiving urban environment.
3	Naas Road– 145m north	Visibility of the subject development would be restricted by existing buildings and trees along Naas Road, while permitted block C of phase 1 to the overall development would be most visible from this location.
4	Lansdowne Valley Park – 300m northeast	Visibility of the subject development from this medium range viewpoint would be restricted by existing mature trees within this part of the neighbouring parkland.
5	Lansdowne Gate – 220m southeast	Upper-level building formation for proposed block G would be visible, but would be substantially screened by mature trees within the school grounds. I consider the magnitude of visual change from this location to be slight in the context of the receiving urban environment, including similar scale existing apartment blocks in the Lansdowne Gate complex.
6	Long Mile Road – 270m south	Visibility of the subject development would be restricted by the existing mature trees within the neighbouring school and castle grounds.
7	Long Mile Road – 260m south	Upper levels to block H would be partially visible due to the screening via the school and commercial buildings, as well as mature trees. I consider the magnitude of visual change from this location to be imperceptible.
8	Lansdowne Valley Park – 350m northeast	Visibility of the subject development would be restricted by existing mature trees within this part of the neighbouring parkland.
9	Lansdowne Valley Park – 800m northeast	Upper-level building formation for block D would be partially visible, but substantially screened by mature trees within the parkland. I consider the magnitude of visual change from this long-range viewpoint to be imperceptible.
10	Kilworth Road – 460m northeast	Visibility of the subject development would be restricted by existing housing.

12.4.3. The proposed development does not represent a substantial increase in height and scale when considering the existing four to seven-storey Lansdowne Gate development and the four to seven-storey structures that have been built on the

adjoining phase 1 lands. The applicant's assessment of the visual impact asserts that the proposed development would have an imperceptible to moderate impact when viewed from the selected ten viewpoints. Views of the development from the grounds of Drimnagh Castle, a protected structure, would result in a moderate visual change given the minimum 70m separation distance from the castle to the application site.

12.4.4. In the immediate area the development would be most visible from the Naas Road to the north and the post-primary school grounds to the south, with only intermittent views of the higher building elements from local vantage points in the adjoining residential and commercial areas. The development would be viewed as a substantial insertion into the cityscape where it is most visible and a substantive new feature overlooking the playing fields to the south and west. Environmental conditions would also influence the appearance of the development from the viewpoints with screening by mature trees varying throughout the seasons, however, I am satisfied that the visual change would be largely imperceptible, particularly considering the scale of the phase 1 development under construction on the adjoining site and the scale of the existing Lansdowne Gate apartment complex. Furthermore, development of this scale would not be unexpected in this area consequent to the Local Area Plan and Development Plan planning objectives for the site providing for substantive development, as well as the recent pattern of permissions for large-scale redevelopments in this area.

12.4.5. The proposed development would not unduly dominate or undermine the wider character of the area and the scale of the proposed development can be absorbed at a local neighbourhood level. Where potentially discernible from long range views, the proposed development would read as part of the wider urban landscape. The impact on the outlook from neighbouring residences is considered separately in section 12.5 below. In conclusion, I am satisfied that the visual impact of the proposed development, would not harm the character and appearance of the area and the visual change arising from the proposed development would be largely imperceptible and consistent with planning policy for this area.

12.5. Impacts on Local Amenities

- 12.5.1. When considering applications for development, including those comprising apartments, the Development Plan requires due consideration of proposals with respect to the potential for excessive overlooking, overshadowing and loss of sunlight or daylight. The Planning Authority noted the impacts of the development on lighting to the existing Lansdowne Gate apartments and the linear park route on the eastern boundary of the application site, however, they did not object to the impact of the development on residential or local amenities. Details to show the context of the proposed blocks relative to the existing and permitted residential developments are limited within the application. Contiguous elevations picking up neighbouring structures, features and ground levels have not been provided. The amenities of future residents of the subject proposed development are considered separately under section 12.6 below, therefore, this section solely focusses on the amenities of neighbouring residents and properties.
- 12.5.2. The nearest existing residential buildings are those fronting onto the linear park route on the eastern boundary of the site at blocks B/C and D of the Lansdowne Gate complex, which would be approximately 27.5m from block G, the nearest of the proposed structures. Block G would feature five-storeys and would have a stated roof parapet height of +55.590m relative to the nearest seven-storey blocks in Lansdowne Gate, which appear to be situated on slightly lower ground based on ordnance survey mapping and my visit to the area. All other existing residential properties are a substantive distance from the application site.
- 12.5.3. The nearest permitted residential buildings, include blocks A-C and B, which are under construction as part of the phase 1 development on the adjoining area to the northeast. Permitted block A-C features seven-storeys and would be approximately 31m northeast of the proposed eight-storey block D, which would be situated on marginally higher ground than block A-C. At +65.705m Block D would have the highest roof parapet on the subject site. The difference in roof parapet height between permitted block A-C and proposed block D would be approximately 2.3m. Permitted block B of the phase 1 development is four-storeys in height and would be approximately 31m north of the closest proposed block on site, which would be the

five-storey block F. The difference in roof parapet height between the permitted phase 1 block B and the proposed block F would be approximately 2.8m.

- 12.5.4. Other permitted neighbouring residential buildings include the eight-storey block F of the Concordia industrial estate development to the northwest corner of the application site, which at present has not commenced construction. The nearest block in the subject proposals to the Concordia industrial estate development would be the eight-storey block L, which would be approximately 30m directly to the west of permitted block F in the Concordia industrial estate. Based on finished-floor levels identifying the Concordia development on slightly higher ground when compared with the subject site, the difference in roof parapet height between the permitted Concordia block F and the proposed block L would be approximately 1.5m.
- 12.5.5. Given this context, a key question for this part of the assessment is whether or not the proposed development would unduly interfere with the amenities of the existing and permitted neighbouring residential properties in a manner that would require refusing permission or altering of the proposed development.

Overlooking and Loss of Privacy

- 12.5.6. In discussing standards specifically with respect to houses, the Development Plan refers to the traditional standard separation distance requiring 22m between the rear of two-storey houses and provisions for this to be relaxed where it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. While not directly applicable in assessing new apartment developments, this traditional standard can be used as a guide in assessing the adequacy of the proposals with respect to the potential for excessive overlooking between the proposed apartments and the existing and permitted apartments.
- 12.5.7. With a minimum separation distance of 27.5m between the upper-floor windows and balconies in block G facing the nearest neighbouring windows in Lansdowne Gate, the guide standard has been met in all instances. I consider that the separation distances that would be achieved from neighbouring residences would be typical for a developing urban setting and the provision of landscaping and intervening public routes between residential blocks on and off the site would offer additional visual distraction and buffers between residences. I am satisfied that no additional

measures would be required to reduce the potential for overlooking from the proposed development. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, including the Z14 zoned lands adjoining to the west, particularly given the boundary setbacks, as well as the layouts for roads and other routes along the northern and western boundaries. I consider the impacts on privacy for residents of the proposed apartments separately under section 12.6 below.

Outlook and Overbearing Impacts

- 12.5.8. The proposed development would be visible from the private balconies and internal areas of apartments bordering the site and would change the outlook from these neighbouring existing and permitted apartments. Having visited the area and reviewed the application documentation, including photomontages, I consider that the extent of visual change that would arise for residents with views of the development, would be reasonable having regard to the separation distances greater than 27.5m, the constantly evolving and restructuring urban landscape, as evidenced in recent permissions and developments in the area, and as a contemporary development of this nature would not be unexpected in this area owing to the planning history of the site and the development objectives for the site, as contained in statutory plans for this area.
- 12.5.9. A key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. The proposed development clearly exceeds the prevailing lower commercial building heights of the area, but would follow the existing and recently permitted residential building heights of the area. The proposed development steps down to five storeys on its eastern side where closest to the existing Lansdown Gate apartments. The most sensitive existing, permitted and proposed building height differences and the minimum separation distances between these buildings are detailed in sections 12.5.2 and 12.5.3 above.
- 12.5.10. View 1 of the applicant's A3 photomontage booklet illustrates the appearance of the development closest to Lansdown Gate. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest

apartments with an open outlook and sky view maintained for neighbouring apartments. The modulated design of the blocks coupled with the level of setback from existing and permitted apartments, is such that where visible from neighbouring apartments the proposed development would not be excessively overbearing.

Impacts on Lighting

12.5.11. In assessing the potential impact on light access to neighbouring properties, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing residences through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including parks and gardens.

12.5.12. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, in order to maximise access to natural daylight, ventilation and views, and to 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 such as BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and 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 solution 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 site specific 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. Section 6.6 of the New Apartments Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 standards.

Light from the Sky and Sunlight

12.5.13. The applicant has provided a Sunlight and Daylight Access Analysis relying on the standards of the BRE 209 and BS 8206-2 documents, which provides an assessment of the effect of the proposed and previously permitted development on

the vertical sky component (VSC) and annual probable sunlight hours (APSH) achievable at neighbouring windows, as well as the effect on sunlight to outdoor amenity areas. I acknowledge that an updated BS EN 17037:2018 'Daylight in Buildings' guide replaced the BS 8206-2: 2008 in May 2019 (in the UK), however, I am satisfied that this document/updated guidance does not have a material bearing on the outcome of my assessment and that the relevant guidance documents remain those referenced in the Building Heights Guidelines (i.e. BRE 209 and BS 8206-2: 2008).

12.5.14. The BRE guidance on daylight is intended for rooms in adjoining houses where daylight is required, including living rooms, kitchens and bedrooms. When considering the impact on existing buildings, criteria is set out in figure 20 of the Guidelines and this can be summarised as follows:

- if the separation distance is greater than three times the height of the proposed building above the centre of the main window, then the loss of light would be minimal. Should a lesser separation distance be proposed, further assessment would be required;
- if the proposed development subtends an angle greater than 25° to the horizontal when measured from the centre line of the lowest window to a main living room, then further assessment would be required;
- if the VSC would be greater than 27% for any main window, enough skylight should still be reaching this window and any reduction below this level should be kept to a minimum;
- if the VSC with the development in place is less than 0.8 of the previous value, occupants would notice a reduction in the amount of skylight;
- in the room impacted, should the area of the working plane that can see the sky be less than 0.8 the previous value, then daylighting is likely to be significantly affected. Where room layouts are known, the impact on daylight distribution in the existing building can be assessed.

12.5.15. The tests above are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly with figures and targets intended to aid designers in achieving maximum sunlight and daylight for residents and to mitigate

the worst of the potential impacts for existing residents. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues and impacts may arise and also to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin metropolitan area, the need for increased densities within zoned, serviced and accessible sites and the need to address impacts on existing residents, as much as is reasonable and practical.

12.5.16. Separation distances from existing residences in the Lansdowne Gate complex to the proposed blocks would be less than three times the height of the new building above the centre of the main windows, therefore, based on the BRE guidance a more detailed daylight assessment is required. The baseline and proposed VSC for 12 windows along the western elevation of blocks B, C and D to Lansdowne Gate as well as three points along the closest existing buildings within the commercial properties to the north and northwest, are set out in the applicant's Sunlight and Daylight Access Analysis. Assessment only considers impacts on existing development in situ. I am satisfied that the VSC assessment has been targeted to existing neighbouring windows, rooms and houses that have greatest potential to be impacted and would be representative of the worst-case scenario.

12.5.17. The level of change in VSC for the three closest commercial buildings to the north and northwest is estimated as being within 0.84 to 0.95 ratio of the proposed VSC to the baseline VSC and, therefore, well within the recommended guidance limits (0.8). Baseline VSC values of between 7.5% and 38.3% are outlined in section 6.1.1 of the applicant's Sunlight and Daylight Assessment Report for the ground and first-floor tested windows in the Lansdowne Gate apartment complex. For three of the tested windows (zones, 2, 8 and 11) the estimated VSC values are within the range of 27.5% to 32% and for these windows a 'negligible impact' would arise based on the BRE standards (>27%). The level of change in VSC for these three windows is also estimated as being within 0.81 to 0.85 ratio of the proposed VSC to baseline VSC and, therefore, the estimated VSC with the development in place would also be within the BRE recommended limit of 0.8 of the previous value. As such, I am

satisfied that the proposed development would not result in a material reduction in VSC for these windows and the windows directly above these.

12.5.18. For the remaining nine of the 12 tested ground and first-floor windows in the Lansdowne Gate complex the ratio of change in VSC from the baseline VSC to the proposed VSC is estimated as being within the range of 0.53 and 0.82. Despite having estimated VSC values of approximately 13%, two windows (zones 6 and 12), are estimated as being within a 0.8 to 0.82 ratio of the proposed VSC to the baseline VSC and therefore, within the recommended limit of 0.8 of the baseline value. As such, I am satisfied that the proposed development would not result in a material reduction in VSC for these windows (zones 6 and 12) and the windows directly above these.

12.5.19. VSC values of between 4% and 26.3% have been calculated for seven of the tested windows (zones 1, 3, 4, 5, 7, 9 and 10) and the ratio of change in VSC for these window, between the range of 0.53 to 0.79, would fall below the minimum 0.8 ratio of change required in the BRE guidance. For three of these windows (zones 1, 5 and 7) the shortfall below the baseline VSC value would be marginal (0.74 to 0.79) and where substantive shortfalls arise for four windows (zones 3, 4, 9 and 10), their VSC value with the development in place relative to the baseline VSC would be within the range of 0.53 to 0.62. The applicant asserts that the interpretation of VSC must be undertaken with caution and the identified shortfall arising in VSC from the proposed development for seven windows in the Lansdowne Gate complex relative to the BRE quantitative standards, would be primarily as a result of existing obstructions to VSC caused by overhanging balconies within the Lansdowne Gate development. Of these seven windows below the minimum VSC standard sought in the BRE guidance, it is only the window marked as zone 5 that is not obstructed by an overhanging balcony and with a VSC value of 0.79 relative to the baseline value, this is estimated to only marginally fall short of the baseline VSC value ratio requirement.

12.5.20. As part of the VSC study and in accordance with the assessment criteria within the BRE Guidelines, the applicant has also calculated the effect on the APSH for the 15 zones identified above. The BRE Guidelines state that in order for a proposed development to have a noticeable effect on the APSH of an existing window, the following would need to occur:

- the APSH value drops below the annual (25%) or winter (5%) guidelines and;
- the APSH value is less than 0.8 times the baseline value and;
- there is a reduction of more than 4% to the annual APSH.

12.5.21. The applicant's study indicated that with the development in place APSH values of 75% to 78% and winter probable sunlight hour values of 19% to 25% would be achieved for zones 13, 14 and 15 to the north and northwest of the site. These values are well in excess of the initial target BRE APSH annual values of 25% and winter values of 5%. Even without the proposed development in place, windows identified as zones 3, 4, 9 and 10 in the Lansdowne Gate development, which are also those windows that would experience substantive shortfalls in VSC, with annual APSH values between 11% and 15% and winter APSH values between 1% and 4%, these windows would already fall short of the target BRE annual and winter APSH values (25% and 5% respectively). I am satisfied that this is indicative of the poor existing natural lighting conditions for these windows. In addition to these four existing windows in Lansdowne Gate falling short of the BRE target APSH and VSC values, the windows identified as zones 1 and 7 with annual APSH values of 17% and 19% respectively and a winter APSH value of 4% for one window (zone 7), they would also already fall short of both the annual and winter APSH target values even without the proposed development in place. With annual APSH values of 22% and winter APSH values between 6% and 7%, two windows (zones 6 and 12) would marginally fail to meet the annual APSH values, although they would meet the winter APSH target values with the proposed development in place. The remaining windows tested (zones 2, 5, 8 and 11) would be within the minimum target APSH values with the proposed development in place. With respect to the ratio of change in APSH relative to respective baseline conditions, of the 12 tested windows in the Lansdowne Gate complex only the window at zone 6 would be within the 0.8 ratio of change in annual and winter APSH with the proposed development in place. It is not stated within the applicant's assessment, which of the proposed blocks has greatest impact on lighting to these neighbouring residences, but based on the referenced guidance documents, I am satisfied that it is likely that block G, which is closest and to the west of the neighbouring apartments, would be likely to have greatest impact.

12.5.22. As addressed above, the effect on VSC has been assessed for 12 neighbouring apartment windows and for five of these windows (41%) marked as zones 2, 6, 8, 11 and 12, the reduction in VSC with the development in place would be within the BRE guidance limits, while the reduction for a further three windows (zones 1, 5 and 7) (25%) would be only marginally below the guidance limits. Based on the BRE guidance a noticeable effect in light for residents that are served by the other 33% of tested windows would arise. Based on the information provided, it is clear that the low baseline APSH values for tested windows significantly exacerbates the effect of the proposed development on light to these windows, as opposed to the subject proposed development impacting on lighting to these windows. This is particularly so in the case of the windows identified in zones 3, 4, 9 and 10. For many of the windows the minimum APSH values would be achieved, despite a noticeable effect in lighting, in particular for zones 2, 5, 8 and 11 windows. Therefore, based on the analyses of VSC and APSH it is the windows at zones 1 and 7 that would experience the greatest level of change in lighting, which would appear to confirm the applicant's assertion that the overhanging balconies are already significantly restricting lighting to these windows.

12.5.23. The testing of all of the higher-level windows in the seven-storey apartment blocks would invariably provide for improvements in the proportion of apartments meeting the BRE guidance, as it is the worst-case scenario that has been tested. For the purposes of EIA, Appendix 1 of the BRE Guidance provides criteria to be used when considering the scale of the impact of a development on skylight and sunlight to its surroundings. Adverse impacts are asserted to occur where there is a significant decrease in the amount of skylight and sunlight reaching an existing building where it is required. The appendix outlines scenarios where such adverse impacts can be considered to be negligible, minor or major, and based on the definitions provided I am satisfied that minor adverse impacts would arise in this case as the majority of tested properties are impacted by very low baseline lighting conditions, as most of the tested windows meet several of the BRE VSC or APSH standards and as there would only be marginal loss of light in many of the tested cases.

12.5.24. Consequent to the limited minor impacts, I am satisfied that the lighting impacts arising from the proposed development for neighbouring properties would not be sufficiently adverse to require amendments to the proposed development,

particularly having regard to local objectives within the Local Area Plan and land use zoning objectives in the Development Plan to provide for a substantive redevelopment of this site, the flexibility afforded in the BRE 209 and BS 8206-2 guidance and the discretion offered by Section 3.2 of the Building Heights Guidelines and Section 6.6 of the New Apartments Guidelines. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to lighting to neighbouring properties would not be warranted.

Loss of Sunlight and Overshadowing

- 12.5.25. The applicant's Sunlight and Daylight Access Analysis provides an assessment of the effect of the proposed development on sunlight levels to the open space within the raised communal courtyard proposed on site, as well as an assessment of the effect on the linear park in the phase 1 development and along the eastern and western boundaries of the application site. The BRE Guidance indicates that any loss of sunlight as a result of a new development should not be greater than 0.8 times its previous value and that at least 50% of an amenity area should receive a minimum of two hours sunlight on the 21st day of March, which is the spring equinox. As the tested spaces do not presently exist, a noticeable change in light from previous values would not arise.
- 12.5.26. A sunlight assessment was undertaken using a 3D model of the development and the adjoining buildings, with the results shown in tabular format in the submitted Sunlight and Daylight Access Analysis. The analysis of the communal space reveals that with the proposed development in place, between 5% and 67% of the courtyard communal space would receive sunlight at various hourly intervals during daylight hours on the 21st day of March, and that at least two hours of sunlight would be achievable for more than 50% of the space, which is in line with the BRE guidance. Even greater levels of sunlight are tabulated for the public open space with between 11% and 85% of the space in receipt of light at various hourly intervals during daylight hours on the 21st day of March. I am satisfied that the level of sunlight provided for under the BRE guidelines with respect to the immediate amenity areas would be achieved and a refusal of planning permission for reasons relating to the extent of lighting to these spaces would not be warranted.

Nuisance

12.5.27. The Planning Authority assert that the nature of the development is such that significant levels of air, noise and light pollution would not arise and a condition can be attached with respect to the control of noise and air quality. As highlighted above, demolition works are not sought as part of this proposed development. A Construction Management Plan and Construction and Demolition Waste Management Plan was submitted with the application, including measures to control noise, dust and traffic during the stated 24 to 27-month construction period for the project. On-site parking would be possible during the demolition and construction phases. With the proposed reductive, control and monitoring measures to be put in place for the construction phase emissions and compliance with the relevant standards, the proposed development would not have substantial impacts on neighbouring residents and any such impacts would be temporary, including cumulative impacts associated with the previously permitted demolition works. As is normal practise and as is required by the Environmental Health Officer from the Planning Authority, a Construction and Environmental Management Plan for the project can be agreed with the Planning Authority in the event of a grant of planning permission, and I am satisfied that the finalisation of and adherence to such a plan would ensure the construction activity is carried out in a planned, structured and considerate manner that minimises the impacts of the works on local residents and properties in the vicinity, including those being constructed on the phase 1 lands.

12.5.28. Conditions can be attached to control the opening hours for the café and to curtail the use of external amplification and sound equipment from this premises, which features external seating areas proximate to proposed upper-level apartments.

Conclusions

12.5.29. In conclusion, sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring residential properties. Accordingly, the proposed development would comply with the objectives for this site, as contained in the Local

Area Plan and the Development Plan, and the proposed development should not be refused permission for reasons relating to the resultant impacts on neighbouring amenities.

12.6. Residential Amenities and Standards

- 12.6.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the New Apartments Guidelines, the Development Plan, the Local Area Plan and the Building Heights Guidelines, which also refer to documents providing guidance for daylight / sunlight assessments within new developments. The subject development would not come within a category of development that would be open to relaxed development standards. Section 16.10.1 of the Development Plan requires proposals for apartments to comply with the standards set out in the 2015 version of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, which were subject to revisions in 2018 and 2020.

Apartment Mix – SPPRs 1 and 2

- 12.6.2. Table 2 of my report above, provides details of the mix of apartments proposed, which would comprise 0.4% studio, 23.7% one-bedroom, 61.5% two-bedroom and 14% three-bedroom apartments. Alongside the permitted phase 1 development (DCC ref. 2319/18), the proposed development would provide for a similar overall mix of 0.5% studio, 24.6% one-bedroom, 61.1% two-bedroom and 13.7% three-bedroom apartments. Policy H5 of the Local Area Plan seeks a mix of housing typologies within residential developments. Chapter 16 of the Development Plan requires a mix of no more than 25% to 30% of one-bedroom units in a development and a minimum of 15% of three or more bedroom units in a development, while SPPR 1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms.
- 12.6.3. I note that the 14% provision of three-bedroom units in the proposed development, as well as the overall development, would not strictly comply with the minimum

standard outlined within the Development Plan. The applicant has not addressed this matter within the submitted Material Contravention Statement.

- 12.6.4. From the outset I note that no parties to the application have raised concerns regarding a perceived shortfall in three-bedroom or larger units, nor have parties considered this aspect of the proposals to represent a material contravention of the Development Plan. The core strategy of the Development Plan is to achieve the Plan vision in a manner that is consistent with the guidance, strategies and policies at national and regional level, and in this regard I note that the proposed mix would comply with the requirements under SPPR1 of the New Apartment Guidelines 2020, while also contributing to the expanding housing sector in this area. Furthermore, policy QH1 of the Development Plan seeks to have regard to the Ministerial Guidelines including the 'Sustainable Urban Housing: Design Standards for New Apartments' (2015).
- 12.6.5. The Planning Authority state that the unit mix complies with the standards in the New Apartment Guidelines 2018 and would provide for a high percentage of family-size units. The Chief Executive's Report also refer to the updated New Apartment Guidelines dating from 2020, which I have noted the proposals would comply with respect to unit mix.
- 12.6.6. With respect to policies and objectives within the Development Plan referring to the development standards in chapter 16 of the Development Plan, I note that this occurs only within policies SC13 and SC17, but this does not appear specific to unit mix. Policy SC13 aims to promote sustainable densities that will enhance the urban form and spatial structure of the city having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. The unit mix of a residential development would not serve to enhance the urban form or the spatial structure of the city, therefore, I am satisfied that policy SC13 could not reasonably be considered to strictly refer to the need to abide by the unit mix criteria set out in chapter 16 of the Development Plan. Policy SC17 requires regard to the development standards in chapter 16 of the Development Plan in order to protect and enhance the skyline of the inner city, and to ensure that proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city. Variation in the unit mix of the subject residential buildings would not materially

impact on the appearance of the skyline or the character of the city, therefore, I am satisfied that policy SC17 could not reasonably be considered to refer to the unit mix standards in chapter 16 of the Development Plan. In contrast, building heights contrary to the standards listed in chapter 16 could reasonably be considered to have a material bearing on the skyline or the character of the city, therefore, it would appear that policy SC17 directly refers to such standards. This is addressed further below under section 12.9.

- 12.6.7. It is clear that the identified matter of non-compliance with the Development Plan solely relates to a standard of the Development Plan and not a policy or objective of the Development Plan. Furthermore, the extent of non-compliance could not reasonably be considered to be material considering the extremely limited extent of non-compliance relative to the overall scale of this new build development. Consequently, I am satisfied that it would be unreasonable to consider the minor shortfall in achieving a unit mix standard of the Development Plan to materially contravene a policy or an objective of the Development Plan. As noted above, I am satisfied that an appropriate unit mix for the development has been proposed, based on SPPR1 of the New Apartment Guidelines 2020.
- 12.6.8. Measuring 1.5 hectares, the site is surrounded by an established urban environment, including light industrial/commercial lands, a residential construction site and open spaces, therefore, SPPR 2 does not apply for this urban infill scheme on a site of greater than 0.25 hectares.

Apartment Size – SPPR 3

- 12.6.9. The applicant asserts that the proposed apartments have been designed to fully accord with the apartment sizes within the New Apartment Guidelines. A Housing Quality Assessment has been submitted with the application, which provides details of apartment sizes, aspect, storage space, private open space and room sizes.
- 12.6.10. The minimum size of the apartments proposed at 46.8sq.m for a studio unit, 49.5sq.m for a one-bedroom unit, 78sq.m for a two-bedroom unit and 99.2sq.m for a three-bedroom unit, would exceed the 37sq.m, 45sq.m, 73sq.m and 90sq.m respectively required for these units in the New Apartment Guidelines. The internal design, layout, configuration, room sizes and storage areas for each of the apartments, as identified in the drawings and Housing Quality Assessment would

appear to accord with or exceed the relevant standards, as listed in appendix 1 of the New Apartment Guidelines.

12.6.11. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines for the majority of apartments would also be achieved with 243 proposed apartments, or 98% of the proposed apartments meeting or exceeding the 10% additional floor space standard. Private amenity space for each of the apartments, including balcony and terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines.

12.6.12. Appendix 1 of the New Apartment Guidelines sets out a minimum requirement of 4sq.m communal amenity space per studio apartment in a development, 5sq.m for a one-bedroom apartment, 7sq.m for a two-bedroom four-person apartment and 9sq.m for a three-bedroom apartment. This would require 2,869sq.m of communal amenity space for the proposed development, which is to be provided in a central podium-level courtyard measuring a stated 3,084sq.m. Three play areas are proposed, including two within the courtyard and one in the southeast corner. As highlighted above, these amenity areas would be provided with at least two hours of sunlight for half their area on the 21st day of March, in compliance with the BRE standards. In conclusion, I am satisfied that the open space proposals would provide a reasonable level of amenity for future residents based on the relevant applicable standards.

Aspect – SPPR 4

12.6.13. With regard to aspect, the Development Plan refers to standards contained in SPPR 4 of the New Apartment Guidelines, which require 50% dual aspect apartments in suburban and intermediate locations or 33% dual aspect apartments in central and more accessible urban locations. As discussed in section 12.2 addressing the density of the proposed development, I consider the site to be within a central and accessible urban location. A total of 166 apartments are stated to form dual aspect units, which would equate to 67% of the apartments within the scheme. The gables of many of the blocks, including blocks E, H, J, K and L would feature various forms of openings, including box windows, as a means of providing dual aspect for their respective apartments. Further below in this section I consider whether these gable openings would be acceptable with respect to overlooking and potential loss of privacy.

12.6.14. Having reviewed the drawings it would appear that five apartments at ground floor in blocks K, J and H would feature very narrow windows to substantive living areas on the building gable. The applicant has considered these apartments to feature dual aspect, however, I consider that these openings would provide very limited aspect for the respective units and as such the units could not reasonably be considered to feature dual aspect. Consequently, it would appear more accurate to state that 161 apartments or 65% of the total proposed apartments would feature dual aspect. Notwithstanding this, the minimum standards required in SPPR 4 of the New Apartment Guidelines would be exceeded by the proposed development and I note that the Planning Authority are also satisfied that this would be the case.

12.6.15. Section 3.18 of the New Apartment Guidelines states that where single-aspect apartments are provided, the number of south-facing units should be maximised, with west or east-facing single-aspect units also being acceptable. It also states that north-facing single-aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Of the 88 single-aspect apartments, eight units or 3% of the total apartments, all located in block D, would be northeast-facing single-aspect apartments. The Planning Authority note that these apartments would be provided with balconies exceeding the minimum standards by at least 2sq.m, while also overlooking public open space. I am satisfied that each of the northeast-facing single-aspect units would have a reasonable standard of outlook and the overall provision of aspect for the units would be reasonable in the context of the Guideline standards.

Floor to Ceiling Heights – SPPR 5

12.6.16. SPPR 5 of the New Apartment Guidelines requires a minimum floor to ceiling height of 2.7m for the ground-floor level of new build apartments. Floor to ceiling heights of 2.85m for all levels of the proposed apartment blocks are illustrated on the drawings submitted, which is in compliance with SPPR 5.

Sunlight and Daylight Provision

12.6.17. The applicant's Daylight and Sunlight Access Analysis provides an assessment of daylight access within the proposed scheme having regard to the quantitative standards that I have addressed in section 12.5 above. In respect of the proposed

residential units, the aforementioned BRE and BS standards and guidelines recommend that for the main living spaces/living rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their assessment, as well as a 2% ADF target for living/kitchen/dining rooms. ADF targets for the two studio apartments are not outlined by the applicant, but I would note that these studio apartments do not feature combined living/dining/bedspace, as they feature partition walls segregating bedrooms from living/kitchen/dining rooms. In such a scenario and based on the BS and BRE standards, I am satisfied that a 1% ADF for the subject studio apartment bedrooms and a 2% ADF for their living/kitchen/dining rooms would be a reasonable initial target.

12.6.18. The applicant asserts that all kitchen/living/dining rooms proposed in this development were analysed as part of their detailed daylight access assessment. A representative sample of daylight access for rooms within the proposed development was presented and this would appear to be based on those rooms that would be most likely to feature an obstruction of daylight or lower levels of daylight, primarily due to their lower-level position, orientation or context relative to other proposed buildings. The results of testing for two bedrooms and 15 kitchen/living/dining rooms in 17 apartments have been presented, and the applicant asserts that this revealed a 100% pass rate for each tested bedroom (between 3.2% and 4.63% ADF) and each tested kitchen/living/dining rooms (2.04% to 4.89% ADF), while also being well in excess of the minimum recommended respective ADFs. The lowest ADF test result (2.04%) relates to the kitchen/living/dining room serving a ground-floor studio apartment in proposed block H. Based on figure 4.1 of the Sunlight and Daylight Access Analysis report, it would appear that testing of the partitioned bedroom areas to the studio apartments has not been undertaken. The internal partition walls, which do not appear to be structural support walls based on the proposed floor plans, would restrict access to sunlight to the bedrooms and it is highly likely that they would not meet the relevant 1% ADF standard required for a bedroom.

12.6.19. The applicant has provided limited information as part of their assessment of access to daylight for apartments, with test results for only two of the 472 proposed bedrooms and 15 of the 249 living/kitchen/dining rooms presented. Notwithstanding this, the applicant has provided a level of testing, including testing of northeast and

northwest-facing lower-level windows, that would suggest it is reasonable to predict that with the exception of the studio apartments, the rooms in the development would be likely to exceed the minimum ADF requirements based on the variety of room contexts and design features. I am satisfied that the approach undertaken would appear reasonable given the absence of any shortfall of ADF for the rooms tested, which are in positions that appear indicative of the worst-case scenario for access to daylight. With much similarity in floor plan layouts moving upwards through the blocks, the overall ADF targets for bedrooms and living/kitchen/dining rooms would be likely to increase further.

12.6.20. It is highly likely that the bedroom areas serving the two studio apartments would fall short of the minimum 1% ADF standard. While it is not clear if the removal of the internal partition wall would allow for the minimum ADF standard to be met, I am satisfied that there would be merit and it would be reasonable to attach a condition in the event of permission being granted, to provide some level of natural lighting to the respective studio apartment bedroom areas. Furthermore, I note that if the subject two studio bedroom areas fail to meet the minimum 1% ADF requirement or the entire combined studio areas fail to meet the minimum 2% ADF requirement, this would only amount to 0.3% of the total proposed habitable rooms in the subject development (721) falling short of the minimum standards. The BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. In conclusion, I am satisfied that in measuring the adequacy of the provision of sunlight/daylight by the proportion of rooms meeting ADF standards, I am satisfied that the lighting to the proposed development would adequately meet the residential amenity levels for future residents and there would be scope to improve lighting via condition for the two studio apartments.

Lift and Stair Core Access – SPPR 6

12.6.21. SPPR 6 of the New Apartment Guidelines specifies a maximum of 12 apartments per floor to be served by lift and stair core access. The applicant states that a maximum of between four to seven apartments per floor would be served by circulation cores and I am satisfied that SPPR 6 would be complied based on the information presented in the application.

Privacy and Overlooking

- 12.6.22. There is sufficient space fronting the apartment buildings at surface level to ensure that the privacy of the residents of the ground-floor apartments would not be substantially undermined, however, at podium level some improvements via repositioning and narrowing of pedestrian routes and the provision of landscaped privacy strips serving as defensible space in locations proximate to terraces and windows would be necessary, including the area fronting the living room windows and terraces serving apartments D1.06 and D1.07 on the south side of Block D, the area fronting the terraces serving apartments E_03, E_04 and E_06 on the south side of Block E, along the bedroom window serving Apt. 07 on the east side of block H, and along the bedroom and dining room south-east facing windows serving the podium level southeast corner apartment in block K. In each case the pedestrian accessible areas along the podium could be realigned to provide additional defensible space adjoining terraces and windows, which would not materially impact the community amenity space provision, with surplus provision identified. This would be necessary as a condition in the event of a permission.
- 12.6.23. Projecting walls are proposed at the entrances to the apartment blocks from the podium level amenity space and these would limit views into adjoining rooms and terraces. Proposals also provide for vertical privacy screens to terrace and balcony areas. In some situations given the adjacency or proximity of these private amenity spaces to neighbouring proposed private amenity spaces, additional vertical privacy screens should be provided to fully address the potential for overlooking between units and the potential for excessive loss of privacy when using these private spaces, including the adjoining terraces serving units E_03 and E_04 that have not been fully segregated in the proposals and the terraces serving block F podium-level apartments 1 and 6 which would be separated by approximately 3m and do not feature vertical screens, despite scope for same. Should permission be granted, a condition should be attached to require this to be addressed.
- 12.6.24. Separation distances of 20m to 25m would be largely maintained between the windows of the apartments overlooking the communal amenity space, for example between blocks F and H, as well as from block E to blocks K and J. Where separation distances below the traditional 22m, as referred to above, would not be achievable, the application has proposed a variety of design solutions to address the

potential for excessive overlooking between apartments. The primary solution used to avoid overlooking in these situations, includes the limited provision of windows directly facing neighbouring windows, the staggered position of windows along proximate building elevations facing each other and the use of opaque glass screens to balconies. In addition, I consider that opaque glazing should be installed on the east-facing panels of the box windows serving apartments 17, 18, 21 and 22 on the third and fourth floors of block H, in order to avoid direct overlooking of living areas and bedrooms to apartments 3.16, 3.17, 4.22 and 4.23 in block G located approximately 15m to the east. Furthermore, the east-facing windows serving bedroom 2 to apartments 7 and 13 in block H should be revised to form high-level or opaque-glazed windows only and an alternative window should be provided to serve these bedrooms on the north-facing return elevation. To address overlooking of bedrooms in apartments within block D, the narrow windows serving the kitchen areas to apartments L1.01, L2.07, L3.13, L4.19, L6.31 and L7.41 in block L located 11m to the west should be revised to feature opaque glazing. I am satisfied that conditions to address the situations raised above would eliminate the potential for excessive direct overlooking between the apartments in the proposed blocks.

Wind and Microclimate

12.6.25. The applicant's Microclimatic Wind and Pedestrian Comfort Report provided information to avoid introducing a critical wind impact on the public realm and buildings. It is predicted that the proposed development would not introduce any adverse wind effects to the receiving environment, and therefore no mitigation measures would be required to be incorporated into the architectural or landscaping design. In addition, the applicant's modelling also found that the majority of the ground level and raised podium-level amenity spaces, as well as the apartment balconies, would be suitable as 'long-term sitting' areas. The information provided has not been contested by any party to the application and I am satisfied that significant microclimate impacts would be unlikely to arise to warrant refusal of permission or amendments to the scheme.

Communal Facilities

12.6.26. The New Apartment Guidelines promote the provision of communal rooms for use by residents in apartment schemes, particularly in larger developments. Within block E

of the proposed development it is proposed to be provide meeting space and a community facility with external seating areas onto the linear park. A residents' concierge would be available in block L, while phase 1 of the overall development would feature a gymnasium, a crèche, a lounge and a reception/business suite. Other facilities proposed as part of the subject development, which would be available to the residents, include a café and a digital hub. In total non-residential facilities within phases 1 and 2 of the development would amount to 1,799sq.m of the overall floor area serving the 393 permitted and proposed apartments that would feature 741 bed spaces. With an overall provision of 2.4sq.m of communal space per permitted and proposed bed space, would be comparable with the provision for similar size recently permitted apartment developments in the wider area and I am satisfied that the provision of the communal facilities would be sufficient to serve residents of the overall and proposed development.

12.6.27. With the exception of block H, bin stores to serve future residents of the apartments would be provided adjoining each of the apartment blocks within the ground-floor undercroft car park. The applicant has submitted an Operational Waste Management Plan, as well as details of how waste collection vehicles would service the site. While noting the absence of a bin store directly adjoining block H, there would be a bin store located a reasonably short distance of 33m located to the east of the residents' entrance to block H from the car park. I am satisfied that accessible locations and sufficient provision for refuse collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and further details relating to waste management can be provided as a condition in the event of a grant of permission.

12.6.28. The applicant's Childcare Demand Report considers the need for a crèche / childcare facility to serve the overall phase 1 and phase 2 developments based on the standards within the 'Childcare Facilities Guidelines for Planning Authorities' (2001), which require a facility with space for 20 children for every development comprising 75 dwellings. The applicant's estimated demand for childcare provision arising from the permitted and proposed development is based on the emerging demographic profile of the area, the scale and unit mix of the overall scheme, the existing geographical distribution and scale of childcare facilities in the area, as well as the scale of permitted childcare facilities on neighbouring lands. The overall

development would contain a total of 240 two-bedroom and 54 three-bedroom apartments. Based on the provisions within the Childcare Facilities Guidelines, the phase 1 and 2 development would generate a requirement for 79 childcare spaces. A crèche with a gross floor area of 425sq.m (net internal area 246sq.m) is currently being constructed at ground floor to block A-C in phase 1 of the development. The applicant asserts that this would have capacity to cater for 86 to 106 children based on the standards within the Childcare Facilities Guidelines. The Planning Authority state that they are satisfied with the provision of childcare facilities to serve the development and the Dublin City Childcare Committee has not responded to consultation regarding the application. I am satisfied that the level of childcare provision provided for in the phase 1 development would be acceptable relative to the standards, the site context and the proposed and permitted unit types.

Social/Community Infrastructure

12.6.29. The applicant has provided a Community and Social Infrastructure Audit as part of their application, identifying the main services and resources in the immediate area. A total of 60 facilities within approximately 1km of the site are identified in the audit, including six retail shops, 11 healthcare facilities, 16 sports clubs, four public parks, 14 youth clubs, 17 crèches, ten primary schools and five post-primary schools.

12.6.30. Increased residential density in locations such as this, ensure the efficient and increased use of existing and planned services, including public transport, shops and social infrastructure. Such services, whether commercial or social, are dependent on a critical mass of population to remain viable and to justify the creation of additional services. In the wider environs of the site there are schools, shops, medical facilities, parks and open spaces, all of which would benefit from a development that is a comfortable walking or cycling distance from the site. I am therefore satisfied that the area and development would be reasonably well served in respect of social, recreational and commercial infrastructure, and that this context should not inhibit the subject proposals.

Building Lifecycle and Management

12.6.31. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs

for the benefit of residents, has been included with the planning application. Detailed measures have been outlined in the Building Lifecycle Report, however, sinking fund details have not been provided for the development. Notwithstanding this, prior to the sale or lease of individual units the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific owners' management company and a development specific sinking fund.

Sustainability and Energy Efficiency

12.6.32. Objective CCO12 of the Development Plan promotes high energy efficiency standards in existing and new developments. An Energy Analysis Report has been submitted with the application outlining specific mechanical and electrical measures to address energy efficiency. A series of measures are listed in the report to allow for the energy and servicing strategies for the development to obtain an A2/A3 building energy rating (BER). Suggested measures include improvements to building thermal transmittance (U-Values), air permeability and thermal bridging with respect to Part L defaults, de-centralised heating and hot water plant arrangement to each apartment, exhaust air heat pump plant delivering all of the annual heating and hot water requirement, exhaust air heat pump extracting stale air and roof top photovoltaic array for electricity generation, centralised to connect to landlord systems. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the design of the development, in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

Conclusion

12.6.33. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of apartments, open space and communal facilities, meeting the relevant design standards and providing a suitable level of amenity for future residents.

12.7. Traffic and Transportation

- 12.7.1. The Planning Authority suggested the attachment of a number of conditions to address traffic arising from the proposed development, as well as parking requirements.

Access and Connectivity

- 12.7.2. The site is currently only accessible from Carriglea Drive and as part of the proposed development this vehicular access would be closed with pedestrian and cycle access only available to the site from Carriglea Drive. As part of the phase 1 permission, an alternative new vehicular access would be constructed from Muirfield Drive and this would be used to serve the subject phase 2 development, in line with access objective MDNR04 of the Local Area Plan. This vehicular access route would run along the northern boundary of the landholding before taking a sharp turn southeast following the site boundaries before turning into the lower-ground level undercroft car park. As part of the phase 1 development a pedestrian route is being provided onto the existing pedestrian route running along the east side of the landholding, which connects Muirfield Drive with the Lansdowne Gate development and the Long Mile Road.
- 12.7.3. The applicant's Traffic and Transport Assessment provides details of public bus services and Luas services currently available in the environs of the site, as well as future proposals. A DMURS Compliance Statement is included with the application addressing connectivity of the site with transport infrastructure, permeability across the site and the multi-disciplinary design approach for the development.
- 12.7.4. As noted in section 12.2 above, based on the information available, I am satisfied that the site would have reasonable access to amenities via public transport and consultation with Transport Infrastructure Ireland (TII), the National Transport Authority (NTA) or other parties has not highlighted concerns regarding the existing capacity of public transport neighbouring the site. Capacity on public transport infrastructure requires regular monitoring. Under the terms of the Dublin Transport Authority Act 2008, the NTA is required to review the Transport Strategy for the Greater Dublin Area and I note that a Draft Greater Dublin Area Transport Strategy 2022-2042 has been published, with policy measures such as 'Measure BUS5 – Bus Service Network Monitoring and Review' outlining the intention of the NTA to

continually monitor the demand for bus services in the Dublin Area as part of the roll-out of the new service network and as part of the monitoring and periodic review of the Transport Strategy, and to enhance or amend the service network as appropriate. I also note that as part of 'Measure LRT10 – Enhance Priority for Trams', the NTA, alongside TII and the relevant Local Authorities, will enable capacity on existing Luas lines to expand in line with any increase in future demand. While the Strategy is currently in draft format, I am satisfied that this reveals the intention, and the ongoing transport strategy approach, to constantly ensure public transport serving the greater Dublin area have capacity to meet demand, whether this be via reduced or increased levels of service.

- 12.7.5. Homezones with shared access roads 4.8m in width would be provided along the majority of the vehicular access route on the subject part of the overall development site. Two set-down / drop-off spaces fronting block L containing the residents' concierge are proposed. Emergency vehicle access through the site is facilitated, as illustrated on the swept path analysis drawing (no.20133-BMD-X-ZZ-DR-C-1018 Revision PL2). Swept path analysis is also provided for refuse vehicles, including for the mini-roundabout junction (no.20133-BMD-X-ZZ-DR-C-1017 Revision PL2). The applicant states that infrequent deliveries to serve the café would be undertaken from within the undercroft car park. The minimum height of the car park, as illustrated on block K drawing no. 6163-PL4-K-E001 Rev. PL1, would restrict access for some vehicles, including trucks, and there would be a need to assign a surface level loading/deliveries bay for commercial elements of the development, including the café. A Stages 1 and 2 Road Safety Audit was also submitted and this identified eight issues to be addressed in the proposed development. Conditions can be attached to provide for the items raised in the road safety audit relating to pedestrian and vehicular movement to be addressed, as well as the provision of a loading/deliveries bay.
- 12.7.6. One of the items raised in the Road Safety Audit submitted related to the alignment of an indicated permitted cycle / pedestrian route off the site along Carriglea Drive within the Concordia industrial estate lands. While this route is not in control of the applicant, the Transportation Planning Division of the Planning Authority has raised concerns regarding the pedestrian and cycle route layouts proposed on site and intended to connect into Carriglea Drive. In this regard I note that the applicant's

drawing no.1485 7017 titled 'Landscape Detail Sheet 2' illustrates the intended interface between the subject proposed development site and the adjoining permitted development to the northwest on the Concordia industrial estate (ABP ref. 304383-19). It is intended to provide steel railing and gates onto Carriglea Drive and to the residents' maintained court. The precise locations of the gates are not entirely clear from the information submitted. Furthermore, it is unclear if the permitted Concordia industrial estate redevelopment would take place in the short term. Consequently, it would appear reasonable and necessary for a future pedestrian and cycle route connection to be provided for onto the Concordia industrial estate site, as well as the provision of a pedestrian and cycle route connection onto Carriglea Drive. To address this a condition should be attached in the event of a permission for the proposed development.

- 12.7.7. The Naas Road Lands Local Area Plan identifies a park connector and new route to Drimnagh Castle in the southeast corner of the subject site. To comply with this green route objective MDNR03 (b) of the Local Area Plan, the proposed development should facilitate this potential future pedestrian/cycle route connection up to the boundary with the Drimnagh Castle Post-Primary School lands in the southeast corner of the site. This can also be addressed as a condition in the event of a permission.

Car Parking Standards

- 12.7.8. The applicant is proposing a total of 175 car parking spaces and ten car share / car club spaces, which would serve both the permitted phase 1 and the subject phase 2 developments. Requirements with respect to addressing the temporary parking provision for the phase 1 development have been addressed in section 12.2 above under the heading 'Phasing'. The Planning Authority assert that the final ratio of parking per residential unit (0.45) in the overall development, excluding car share / car club spaces, would be akin to similar recently permitted developments in the area and acceptable based on the level of access to public transport and car club / car share spaces proposed. Based on the Development Plan standards and the quantum of development, a maximum of 249 car parking spaces would be permissible for the proposed residential units or 393 spaces for the overall development, therefore, the proposed provision would be well within the prescribed limits.

- 12.7.9. The New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to urban centres, particularly in residential developments with a net density of greater than 45 units per hectare. A Residential Travel Plan Report is provided with the application, and this outlines various measures to influence use of more sustainable modes of transport as part of the development, including the appointment of a travel plan coordinator to promote and support the provisions of the travel plan serving the overall development. The Planning Authority require the implementation of this travel plan to be a condition in the event of a permission. A car-parking management strategy would also be necessary as a condition in the event of a permission according to the Planning Authority, and I consider this to be a reasonable request as a means of outlining how the residential, non-residential and car share / car club parking spaces would be assigned, located and managed.
- 12.7.10. The Elected Members of the Planning Authority expressed concerns regarding the absence of electric-vehicle charging points in the development, however, the applicant has proposed to provide ten car parking spaces (6%) equipped with electric-vehicle charging points, two of which would also be universally accessible. Given the scale of the development, relative to the Energy Performance of Buildings Regulations 2001 and car ownership trends, it would be practical and reasonable for 10% of the spaces to feature electric-vehicle charging points and the remainder of car parking spaces to be provided with the necessary infrastructure required to enable future upgrade to accommodate electric vehicles, and this should be required as a condition in the event of a permission.
- 12.7.11. I am satisfied that car parking standards below the Development Plan maximum standards would be reasonable, given its location accessible to high-capacity public transport services and major destinations. Furthermore, I am satisfied that the proposed development would be sufficiently served by car parking at the ratio proposed based on the car club / car share alternatives, the extensive provision of cycle parking, as discussed below, the requirement for a car park management plan and a residential travel plan to be implemented.

Cycle Parking Standards

12.7.12. A total of 554 cycle parking spaces would be provided internally within the lower-ground floor car park and externally at surface level along the southern and eastern boundaries, as illustrated in the applicant's 'Architectural Design Statement' (section 3.1). The applicant states that 18 of these cycle parking spaces adjacent to blocks D and L would feature electric-charging points, while a bicycle repair facility would also be provided at lower-ground floor to block G. The New Apartment Guidelines require at least one cycle storage space per bed space, as well as visitor cycle parking at a standard of one space per two residential units, which would result in a requirement for 597 cycle parking spaces solely to serve the subject Phase 2 development. A proportion of the proposed spaces would also serve residents of the phase 1 development, which would also be served by permitted surface-level cycle parking facilities.

12.7.13. While the Planning Authority are satisfied with the overall provision of cycle parking, they also require cargo or non-standard cycle spaces to be provided, as well as a review of the locations of visitor cycle parking spaces, in order to increase levels of surveillance and security of these spaces. The New Apartment Guidelines allow for deviation from the standards referenced above, while outlining that apartment developments should be comprehensively equipped with high-quality cycle parking and storage facilities for residents and visitors. I am satisfied that the quantum of cycle parking would be welcome in supporting sustainable transport options and the addition of a condition in the event of a permission providing for revised locations of visitor cycle parking facilities, as well as alternative non-standard spaces, would not be unreasonable to ensure comprehensive equipping of the development for cycle parking purposes.

Traffic

12.7.14. The Planning Authority assert that the reduced provision of car parking on site, when compared with the previously permitted development (DCC ref. 2176/18), which allowed for 346 spaces, would reduce the associated traffic impacts, as well as allow for the primary junctions serving the site to operate within their capacity. Based on the modelling outlined in the applicant's Traffic Impact Assessment Report, the additional trips associated with the proposed development exiting onto Muirfield

Drive towards the Naas Road junction during the morning peak hour (08:00 – 09:00) would be 88, with 84 returning trips during the evening peak hour (17:00 – 18:00).

12.7.15. The submitted Traffic Impact Assessment asserts that, if permitted, the proposed development would result in an increased impact on the operational traffic volumes in the opening year (2024) at the Muirfield Drive and Naas Road junction north of the site by 4% during both the morning and evening peak hours, and at the more distant junctions, comprising the Naas Road / Kylemore Road / Walkinstown Avenue and the Long Mile Road / Walkinstown Avenue, increases of between 0.14% and 1.4% would arise during morning and evening peak hours. The applicant has also modelled the cumulative increases in traffic associated with other recently permitted large-scale developments in the vicinity, including the Concordia industrial estate redevelopment (ABP ref. 304838-19). Traffic increases of between 4% and 13% have been estimated by the applicant for the morning peak hours at the three neighbouring junctions, while increase of 6% to 14% were estimated for the evening peak hours.

12.7.16. Based on TII Traffic and Transport Assessment Guidelines (2014), modelling is required for the three subject junctions and the applicant's modelling calculated that the junction would have limited impact on traffic in the opening year, the interim year (2029) and the design year (2039), consequent to the current congestion levels. I am satisfied that based on the information provided in the Traffic Impact Assessment Report, a reasonable approach to modelling future traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive impacts on traffic, particularly when considering the background traffic levels.

Construction Traffic

12.7.17. The volume of traffic generated during construction will be lower than that generated during the operational phase. The applicant has provided construction traffic management details as part of their Construction Management Plan and Construction and Demolition Waste Management Plan indicating likely traffic volumes, delivery routes and measures to address traffic and parking during the construction phase. As addressed above, additional project phasing details to address parking and access would be required in the event of a permission and a

finalised construction management plan can be agreed with the Planning Authority, including the location of the site construction compound during the phase 2c construction period.

Conclusion

12.7.18. In conclusion, subject to conditions, the proposed development would not reasonably result in an unacceptable risk of traffic hazard or significant additional traffic congestion in the area, and it would feature an appropriate provision of car and cycle parking.

12.8. Services and Flood Risk

Services

12.8.1. The application was accompanied by a Civil Infrastructure Report addressing site services cumulatively with the phase 1 development, including wastewater, surface water drainage and water supply. The development is to be drained by a completely separate surface water system prior to discharging to the phase 1 area of the overall development, which features the culverted river running through the site. SUDS measures, including permeable paving, green roofs and landscaping, would be incorporated into the proposed development to assist interception storage, and an underground attenuation tank and a flow control within the phase 1 development would limit the rate of runoff to greenfield runoff rates. Surface waters would drain to the phase 1 lands where they would be treated via a fuel interceptor, which would be installed below a hydrobrake or similar feature prior to final discharge to an access chamber connecting to the culverted river. According to the applicant, the proposed attenuation tank on the phase 1 lands would have sufficient capacity to accommodate 1-in-100 year storm events and climate change factors can be built into the detailed design. Consultation with the Planning Authority following the submission of the application, confirmed the acceptability of the drainage proposals, subject to conditions agreeing the final detailed designs and compliance with the Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0). In conclusion, I consider the drainage proposals to serve the subject development are satisfactory, subject to appropriate conditions.

- 12.8.2. The applicant states that no buildings would be located within a 3m-wayleave of the existing 225mm-diameter Irish Water foul sewer generally following the southern boundary of the site. It is proposed to discharge wastewaters from the proposed development and the phase 1 development at a single connection point and by gravity to the existing 1,350mm-diameter combined sewer, which also generally follows the southern boundary. Irish Water have no objection to the proposals noting that the connections to wastewater can be facilitated without upgrade of this infrastructure, while also requesting a review of proposed planting along the 225mm-diameter foul sewer.
- 12.8.3. It is proposed to connect into a 100mm-diameter watermain running along Muirfield Drive, in order to supply water to the subject and permitted Phase 1 development. The applicant forwarded correspondence from Irish Water with respect to a pre-connection enquiry stating that the water supply connection would be feasible, noting that Irish Water does not have any plans to extend or commence upgrade works to the network in this area. Consequently, the applicant would be required to fund a network extension consisting of approximately 25m of 150mm-diameter pipe main and pipe upgrades. The applicant has stated that these works would be undertaken as part of the Phase 1 development and I am satisfied that a standard water supply condition can be attached to comprehensively address same in the event of a grant of permission.

Flood Risk

- 12.8.4. The Naas Road Lands Local Area Plan identifies an area outside of the southeast corner of the site at an outfall to an open section of the Camac River as having a high probability of flooding with a high risk of a 1:100 river flood event affecting this area. A moderate probability of flood risk adjoining this is also identified in the Local Area Plan as impacting the lands within the southeast corner of the subject site. The applicant submitted a site specific flood risk assessment and this asserted that based on more up-to-date information available, including Office of Public Works (OPW) mapping, the site is at negligible risk of tidal, fluvial and pluvial (surface water) flooding and at low risk of groundwater flooding. Historic flood events were not noted on site, with the closest flood events recorded for a stretch of the culverted river, approximately 620m to the west of the site. The proposed and permitted storm-water system has been designed to retain a 1-in-100 year storm event (plus

20% storm level), therefore, the proposed development would reduce the risk of pluvial flooding on site and would not increase the potential for flooding to the receiving catchment, including the culverted river. To further highlight that the development would not be at risk from flooding, the applicant highlighted that maximum water levels from the two closest control nodes reveal water levels a minimum of 2.48m below the ground-floor level in the proposed development.

12.8.5. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site. In conclusion, based on the information available, I am satisfied that the development would be at low risk of flooding and it would not increase the risk of flooding to other lands.

12.9. **Material Contravention**

12.9.1. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Development Plan other than in relation to the zoning of the land. The material contravention of the Development Plan is stated to arise in respect of the proposed building heights only. Under the provisions of section 9(3) of the Act of 2016, where SPPRs of section 28 guidelines differ from the provisions of a Development Plan, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the Development Plan.

12.9.2. I have also addressed the issue of building heights, specifically with respect to lighting impacts, visual and residential impacts, microclimate and general appearance above, and in the interest of clarity, I address the policy context for the proposed building heights further below. I am satisfied that the strategic housing development does not materially contravene Development Plan policy with respect to any other issues.

12.9.3. The Planning Authority consider the subject site to be capable of achieving heights greater than the Development Plan standards heights and that the proposed building heights would be appropriate for the site. The application documentation, including

the Material Contravention Statement provides the applicant's justification for the proposed building heights, including the standard of accommodation, the site context relative to public transport and services, and planning policy provisions.

12.9.4. The existing 8m-high building on site, in use as part of the ongoing construction of the adjoining phase 1 development, is not of substantive height. The proposed development would feature three eight-storey blocks D, E and L with a stated maximum height of 26.06m, while the remaining five blocks would consist of five storeys with a stated building height of 16.3m. The site is not at a location specifically identified in the Development Plan as being suitable for mid-rise or high-rise development. In order to protect and enhance the skyline of the city and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the character of the city, policy SC17 of the Development Plan refers to the criteria, principles and development standards in chapter 16 of the Development Plan. Section 16.7.2 of chapter 16 to the Development Plan sets 24m as the maximum height permissible for residential and commercial buildings in this low-rise area of the outer city that is within 500m of a Luas station. Plant, flues and lift overruns are excluded from the height considerations. Given that the proposed building heights for blocks D, E and L fall into the category of mid-rise buildings that would both exceed the height of the existing structures on site and the 24m height limit criteria recommended for this area, I am satisfied that the proposed development could reasonably be considered to materially contravene Development Plan policy SC17 with respect to building heights.

12.9.5. Section 37 of the Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:

- (i) the proposed development is of strategic or national importance;
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations

of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government;

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

12.9.6. The Building Heights Guidelines state that it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. The proposed development is higher than the historical low-rise buildings in the area, although more recent buildings constructed in the area, for example phase 1 and Lansdowne Gate are of similar building heights. In pursuit of the guidelines, Section 3.1 requires Planning Authorities to apply the following broad considerations in considering development proposals for buildings that are taller than prevailing building heights in urban areas:

- does the proposal positively assist in securing National Planning Framework objectives of focusing development into 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?
- is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines?
- 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?

12.9.7. The proposed development is consistent with objectives 13 and 35 of the NPF, which encourage increased development scale and densities in settlements, as addressed in section 12.2 above. The Dublin City Development Plan 2016-2022 and the policies and standards contained therein pre-date the issuing of the Building

Heights Guidelines. Based on their consideration of the scheme, the Planning Authority accept the exceedance of the building height limit prescribed in the Development Plan for various reasons, including the provisions of the Building Heights Guidelines.

- 12.9.8. The Building Heights Guidelines provide clear criteria to be applied when assessing applications for increased height, including SPPR3(a) which provides that where an application for planning permission sets out how a development proposal complies with the criteria in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters set out in the NPF and the Building Heights Guidelines, then permission for such development can be granted, even where specific objectives of the relevant Development Plan may indicate otherwise. The applicant has provided a statement of consistency that sets out compliance with SPPR3(a) of the Building Heights Guidelines. In principle, I am satisfied that there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR3(a), which refers to the criteria in section 3.2 of the Building Heights Guidelines, as per table 6 below.

Table 6. Assessment against section 3.2 building height criteria

Criteria	Response
At the scale of the relevant city/town	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	Luas Red Line services operate at very high frequency from the Bluebell stop approximately 170m from the site. Existing and proposed high frequency bus stops <200m (Dublin Bus routes 13, 68 and 69, as well as proposed Bus Connects Route D). These Dublin Bus and Luas services have high capacity, as well as scope for increased capacity (see section 12.7 above) and provide strong links to other public transport, including local and national rail and bus services.
Development proposals incorporating increased building height, including proposals within architecturally sensitive	Visual impact assessment above concludes that the proposed development in this urban area would not be unduly obtrusive or detract

areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views	from the character of the wider area. No protected views, ACA, or other architectural/visual sensitives apply.
Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	Assessment of the Visual Impact on the Built Environment, including CGIs, submitted with the application, appear to be carried out by suitably qualified practitioners.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities, but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	Proposed landscaped linear park would be provided and the proposed apartment blocks varying between five and eight storeys reflect the existing and permitted building heights on adjoining lands, as well as creating urban edges to the main access road, pedestrian/cycle routes and the linear park.
At the scale of district/ neighbourhood/ street	
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape	Proposals respond positively to Local Area Plan objectives for the site redeveloping historical industrial lands for high-density housing on a high-frequency public transport corridor. Modulated building heights along sensitive boundaries respond to the existing and future built environment.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered	Design comprises eight blocks ranging in height from five to eight storeys with a block structure considered to be of high quality and appropriate for the context.
The proposal enhances the urban design context for public spaces and key	Strong urban edge and passive surveillance of the key linear park running through the site.

<p>thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>The site does not contain key public spaces and/or inland waterway/ marine frontage.</p> <p>The requirements of ‘The Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) have been complied with as part of the applicant’s submission of a flood risk assessment.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner</p>	<p>I am satisfied that the proposed development makes a contribution to legibility, dovetailing with the phase 1 development and includes options to integrate with adjoining sites and the wider footpath/cycleway network (with scope to provide for a potential future linkage to the south). Positive precedence for other redevelopment sites in this area.</p>
<p>The proposal positively contributes to the mix of uses and/ or building / dwelling typologies available in the neighbourhood.</p>	<p>The proposed development comprises studio, one, two and three bedroom units, and would, therefore, expand housing units within an area predominated by commercial and light industrial uses. A sustainable and appropriate mix of communal facilities and commercial facilities in suitable locations on site has also been provided for.</p>
<p>At the scale of the site/building</p>	
<p>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.</p>	<p>Compliance with BRE209 and BS2008 is broadly achieved, and the amenity of existing residents and future residents would be satisfactorily addressed and maintained via the form, massing and height of the development.</p>
<p>Appropriate and reasonable regard should be taken of quantitative</p>	<p>Broad compliance with BRE209 and BS2008 is achieved and the amenity of existing</p>

<p>performance approaches to daylight provision outlined 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'</p>	<p>residents and future residents would be satisfactorily addressed and maintained.</p>
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered</p>	<p>Micro-climate issues have been considered, including an assessment to clarify that all spaces would be able to function as provided for in the designs. Sunlight and overshadowing analysis for the amenity spaces has been submitted to demonstrate compliance with the relevant standards.</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision</p>	<p>AA screening and a Site Ecology Report have been submitted to demonstrate no significant impact on ecology, and no likely adverse impact on protected sites or species, including bats and birds.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links</p>	<p>Proposals to not provide for tall buildings with likely impacts for telecommunication channels.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>Proposals to not provide for tall buildings with likely impacts for safe air navigation.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment</p>	<p>Urban design is addressed in the applicant's Architectural Design Statement. There are no historic built environment features on site and the views of the development from the</p>

	grounds of Drimnagh Castle, a protected structure, would result in a moderate visual change given the minimum 70m separation distance from the castle to the application site
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	SEA not required/applicable. EIA and AA screening reports have been submitted, alongside a Site Ecology Report.

12.9.9. I consider that the above criteria have been addressed in the application and are appropriately incorporated into the development proposals, and on this basis SPPR3(a) of the Building Heights Guidelines would be applicable. I am satisfied that the proposal positively assists in securing NPF objectives to focus development into key urban centres, fulfilling targets related to brownfield, infill development and to deliver compact growth in urban centres.

12.9.10. The proposed strategic housing 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 the delivery of housing set out in ‘Rebuilding Ireland – Action Plan for Housing and Homelessness’, which issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban area close to public transport and centres of employment. Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the building height standards of the Development Plan.

12.9.11. In relation to the matter of conflicting objectives in the Development Plan addressed in section 37(2)(b)(ii) of the Act of 2000, I am satisfied that there are no conflicting objectives within the Development Plan with respect to building heights.

12.9.12. With regard to section 37(2)(b)(iii), I am satisfied that the building heights for the proposed development are in accordance with national policy, as set out in the NPF, specifically NPO 13 and NPO 35. Furthermore, the proposed development is in compliance with SPPR3 of the Building Heights Guidelines, which reference to the criteria to be applied in section 3.2 of these Guidelines. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material

contravention is justified in this case with regard to guidelines under section 28 and policy of the Government set out in the NPF.

12.9.13. In relation to section 37(2)(b)(iv) of the Act of 2000, I note the existing four to seven-storey Lansdowne Gate development and I also note that for sites subject of similar Development Plan height restrictions, the Board has previously approved a 24.2m high building (ABP-304383-19) on the adjoining Concordia industrial estate site to the northwest, while also approving building heights ranging from seven to 18 storeys, including ridge heights between 18.9m and 77.8m (ABP-307804-20) on the Royal Liver Insurance Retail Park site 250m to the northwest of the application site. The proposed development is to an extent, continuing on that pattern of development.

12.9.14. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan objectives pertaining to building heights, I consider that the provisions of sections 37(2)(b)(i), (iii) and (iv) have been met with respect to the proposed building heights. In this regard I am satisfied that the Board can grant permission for the proposal.

13.0 Environmental Impact Assessment Screening

13.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA screening report and I have had regard to same in this screening assessment. This report contained information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2021 (hereinafter 'the Regulations'). The EIA screening submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for sub-threshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

13.1.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class 10(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,

- (iv) 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.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.3. The development would provide for the construction of 249 dwelling units, as well as a café, a digital hub and ancillary residential facilities, all on a site measuring 1.5 hectares in a built-up urban area, which is not a 'business district'. The phase 1 side of the overall landholding amounting to 2.6 hectares would comprise 144 units, as well as a childcare facility and gymnasium. Demolition works would be necessary but they would not be undertaken as part of the subject proposed development. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Regulations, the proposed development, as well as the cumulative development, is sub-threshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA.

13.1.4. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential and commercial uses proposed would be similar to the emerging land uses in the area. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The former use of the site is noted, alongside the potential for contaminated material to be encountered during demolition and excavation. The development would be served by municipal drainage and water supplies. The site is not subject to any architectural or nature conservation designation and does not contain habitats or species of conservation significance, as highlighted in the applicant's Site Ecology Report.

13.1.5. The various reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the impact of the proposed development, in addition to the cumulative impacts with regard to other permitted and existing developments in proximity to the site. The reports demonstrate that, subject to the various recommended construction and design-related mitigation

measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application including the following:

- Planning Report;
- Architectural Design Statement;
- Assessment of the Visual Impact on the Built Environment;
- Verified Views and CGIs Booklet;
- Civil Infrastructure Report;
- Traffic Impact Assessment Report;
- EIA Screening Report;
- Site Ecology Report;
- AA Screening Report;
- Energy Analysis Report;
- Microclimatic Wind and Pedestrian Comfort Report;
- Construction Management Plan and Construction & Demolition Waste Management Plan, including Preliminary Safety and Health Plan.

13.1.6. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Regulations, 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. In this regard I note the following various statements directly and indirectly addressing EU directives:

- a Construction Management Plan and Construction & Demolition Waste Management Plan, which was undertaken in response to the Environmental

Noise Directive and Directive 2008/50/EC on ambient air quality and cleaner air.

- a site specific flood risk assessment that addresses the potential for flooding having regard to the OPW CFRAMS study, which was undertaken in response to the EU Floods Directive.
- a site ecology report that addresses the ecological impacts of the project cognisant of the objectives of the Water Framework Directive.
- an AA Screening Report and a Site Ecology Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.

13.1.7. Under the relevant themed headings, the EIA screening report prepared by the applicant has considered the implications and interactions between these assessments and the proposed development, and concludes 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 for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessments of the Development Plan and the Local Area Plan.

13.1.8. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects 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 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am overall satisfied that the information required under article 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued

confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

14.0 Appropriate Assessment

14.1. Introduction

- 14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment of a project under section 177U of the Act of 2000, are considered in the following section.

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

- 14.2.1. 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 AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development at Carriglea industrial estate, 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).

14.3. Stage 1 AA Screening

- 14.3.1. The applicant has submitted an AA Screening Report dated September 2021 and prepared by Meehan Ecology. The AA Screening Report provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development. The AA screening report is supported by associated reports, including a Site Ecology Report.

Site Location

- 14.3.2. A description of the site is provided in section 1 above. The site is a brownfield site that contains a disused warehousing building and lands currently being used for construction purposes and is serviced by public water and drainage networks. The

site is stated by the applicant to be dominated by buildings and artificial surfaces (BL3) and recolonised bare ground (ED3). It features six immature Maple trees along the eastern boundary, a dozen coppiced ornamental Cherry trees on the northern boundary and a mature line of Leyland Cypress trees on the northwest boundary. The Camac River is culverted at a depth of approximately 8m through the site. The Grand Canal is situated 670m to the north. No Annex I habitats were recorded within the application site during the applicant's habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Invasive species were not recorded on site.

Proposed Development

- 14.3.3. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. A 24 to 27-month construction phase is estimated for the project. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Ringsend Wastewater Treatment Plant (WWTP). Surface water from the development would be discharged into the network situated within the permitted phase 1 development. Following various standard practice construction site environmental management measures, as well as SUDS measures, surface waters passing through the phase 1 network would discharge via an access chamber to the Camac River culvert, which subsequently discharges to the River Liffey close to Heuston Station. SUDS measures are proposed alongside a Construction Management Plan and Construction and Demolition Waste Management Plan. Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to Dublin Bay.
- 14.3.4. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:
- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
 - Operation Phase – disturbance, surface water runoff and emissions to water.

Submissions and Observations

14.3.5. The submissions and observations from the Planning Authority and prescribed bodies are summarised in sections 10 and 11 of this Report.

European Sites

14.3.6. The nearest European sites to the application site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

Table 7. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 	7.8km	east
001209	Glenasmole Valley SAC <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Petrifying springs with tufa formation (Cratoneurion) [7220] 	7.8km	south
000210	South Dublin Bay SAC <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] 	8.1km	east

	<ul style="list-style-type: none"> • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 		
004040	<p>Wicklow Mountains SPA</p> <ul style="list-style-type: none"> • Merlin (<i>Falco columbarius</i>) [A098] • Peregrine (<i>Falco peregrinus</i>) [A103] 	10.1km	south
002122	<p>Wicklow Mountains SAC</p> <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] • Natural dystrophic lakes and ponds [3160] • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] • Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] • Blanket bogs (* if active bog) [7130] • Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] • <i>Lutra lutra</i> (Otter) [1355] 	10.2km	south
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] 	10.8km	northeast

	<ul style="list-style-type: none"> • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 		
000206	<p>North Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 	10.8km	northeast
001398	<p>Rye Water Valley / Carton SAC</p> <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] • <i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016] 	11.1km	northwest
004113	<p>Howth Head Coast SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] 	15.2km	northeast
000199	<p>Baldoye Bay SAC</p>	15.3km	northeast

	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 		
004016	<p>Baldoyle Bay SPA</p> <ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Wetland and Waterbirds [A999] 	15.8km	northeast

14.3.7. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site, aided in part by the Environmental Protection Agency (EPA) AA Tool (www.epa.ie). Distances and direction from the site to European sites are listed in table 7 above. I do not consider that any other European Sites other than those identified in table 8 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 8. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Yes Weak hydrological connections exist through:	Yes

<p>North Bull Island SPA 004006</p>	<p>QIs – 18 bird species</p> <p>To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it</p> <p>To maintain the favourable conservation condition of the qualifying species</p>	<p>Surface water ultimately discharging to Dublin Bay</p> <p>Wastewater from the site passes and would be treated in Ringsend WWTP, which also discharges to Dublin Bay</p>	
<p>North Dublin Bay SAC 000206</p>	<p>QIs – 10 coastal habitat and species</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</p>		
<p>South Dublin Bay SAC 000210</p>	<p>QIs - Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</p>		

14.4. Potential Effects

- 14.4.1. Section 4 of the applicant's screening report identifies the potential effects of the proposed development taking into account the characteristics of the proposed development in terms of the site location and the scale of works. Habitat loss and fragmentation would not arise given the location and nature of the site.
- 14.4.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- increased noise, dust and/or vibrations as a result of construction activity;
- surface water drainage from the proposed development site;
- increased wastewater being sent to Ringsend Wastewater Treatment Plant during the operational phase of the proposed development.

Construction Phase

- 14.4.3. Having regard to the information submitted with the application, including the Civil Infrastructure Report, the Construction Management Plan and the Construction and Demolition Waste Management Plan, pollution sources would be controlled through the use of normal best practice site management. The proposed construction management measures outlined are typical and well-proven construction (and demolition) methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.
- 14.4.4. There are no surface watercourses on site based on the topographical survey for the site and the drainage proposals submitted. However, there is a culverted watercourse running under and through the overall landholding and part of the site. Surface water from the proposed development would drain to the surface water sewers under construction on the phase 1 lands, prior to discharge to the Camac River, which ultimately drains to Dublin Bay coastal waters. According to the EPA, the water quality of the Dublin Bay coastal waterbody is classified as 'good' and is 'not at risk' based on categorisation for the purposes of the Water Framework Directive.
- 14.4.5. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Dublin Bay (dilution factor).

- 14.4.6. Survey details provided with the applicant's AA Screening report and Site Ecology Report do not highlight qualifying interest species or other species associated with the conservation objectives of European sites habituating the site or its adjoining area. The development would not increase disturbance effects to birds in Dublin Bay, including during construction (and operational) phases, given the separation distance from these sensitive areas across an extensive urban area.
- 14.4.7. In the event that the pollution and sediment control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in the Dublin Bay area (dilution factor).
- 14.4.8. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area.

Operational Phase

- 14.4.9. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through an attenuation tank and a flow-control hydrobrake on the phase 1 lands. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the application site from European sites in the Dublin Bay area (dilution factor).
- 14.4.10. Wastewater would ultimately be treated at Ringsend Wastewater Treatment Plant (WWTP) and, according to the applicant, the proposed development alongside the phase 1 development would result in a residential loading equivalent to 1,061 persons, as well as an additional loading of 29 persons for the commercial and ancillary residential uses. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the

loading at Ringsend WWTP, which would in any event be subject to Irish Water consent, and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. Notwithstanding this, water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to Ringsend WWTP (i.e. South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.

- 14.4.11. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay via surface water runoff and emissions to water.

In-combination Impacts

- 14.4.12. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.
- 14.4.13. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2016-2022 and the Naas Road Lands Local Area Plan 2013. Both the Development Plan and Local Area Plan have been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Furthermore, I note that the first phase of upgrade works to the Ringsend WWTP extension (ABP ref. PL.29N.YA0010) serving an additional population equivalent of

400,000 persons were completed in December 2021 and the facility is currently operating under the EPA licencing regime that was subject to AA Screening.

14.4.14. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

AA Screening Conclusion

14.4.15. The significant distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin Bay.

14.4.16. The proposed development was considered in light of the requirements of Section 177U of the Act. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

14.4.17. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

15.0 Conclusion and Recommendation

15.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be granted for the proposed development, subject to conditions, for the reasons and considerations set out in the draft Order below.

16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 8th day of October, 2021, by Golden Port Estates Limited care of IMG Planning of 75 Fitzwilliam Lane, Dublin 2.

Proposed Development:

The development will consist of:

- the provision of 249 apartments in 8 five to eight-storey blocks (D, E, F, G, H, J, K, and L), each featuring solar photovoltaic panels at roof level;
- the provision of a meeting space (149sq.m) and a community facility (173sq.m) at ground floor to block E, a café (155sq.m) and a digital hub (140sq.m) at ground floor to block F and a residents' concierge (92sq.m) at ground floor to block L;
- vehicular access from phase 1 lands off Muirfield Drive to lower-ground level undercroft car park, as well as pedestrian and cyclist accesses off Carriglea Drive;
- internal shared surface, fire tender, pedestrian and cyclist routes, lighting and signage;
- a total of 185 car parking spaces, including two set-down / drop-off spaces at surface level fronting block L and ten car-club spaces, as well as 554 cycle parking spaces;
- the provision of hard and soft landscaping, including a raised podium-level communal space, seating areas and metal-frame shelter structure and play areas;
- drainage and civils works to facilitate the development connecting with services within the adjoining permitted phase 1 development, sustainable urban drainage systems (SUDS), surface and foul drainage infrastructure and all other associated and ancillary development/works.

at the Carriglea Industrial Estate, Muirfield Drive, Naas Road, Dublin 12.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- a) The policies and objectives of the Dublin City Development Plan 2016-2022;
- b) The policies and objectives of the Naas Road Lands Local Area Plan 2013;
- c) The Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031', which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The 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 National Planning Framework, Project Ireland 2040, which identifies the importance of compact growth;
- g) 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;

- h) The provisions of the 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 Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- j) The provisions of the Design Manual for Urban Roads and Streets issued by the Department of Housing, Local Government and Heritage in 2019;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- m) The pattern of existing and permitted development in the area;
- n) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development that materially contravenes a Development Plan;
- o) The submissions and observations received;
- p) The Chief Executive's report from the Planning Authority;
- q) The report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway

considerations, submissions and observations on file, the information submitted as part of the applicant's Appropriate Assessment and application documentation and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Statement submitted by the applicant, which contains the information set out in Schedule 7A to the Planning and Development Regulations 2001-2021, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021;
- the location of the residential units, café and digital hub on lands zoned 'Z14' within the Dublin City Development Plan 2016-2022 for social, economic and physical development and/or rejuvenation of an area with mixed uses, of which residential and 'Z6' would be the predominant uses, the identification of the lands for substantive residential development in the Naas Road Lands Local Area Plan 2013 and the results of the Strategic Environmental Assessment of the Development Plan and the Local Area Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;

- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2021;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Management Plan and the Construction and Demolition Waste Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, would provide an acceptable form of residential amenity for future occupants and would comply with the provisions of the Naas Road Lands Local Area Plan 2013.

The Board considered that with the exception of building heights, the proposed development would be compliant with Dublin City Development Plan 2016-2022 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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

- 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 the delivery of housing 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 area close to public transport and centres of employment. Accordingly, the provisions set out under section 37(2)(b)(i) are applicable;
- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the National Planning Framework, in particular objectives 13 and 35, and the application of Specific Planning Policy Requirement 3(a) of the Urban Development and Building Heights Guidelines for Planning Authorities (2018). Accordingly, the provisions set out under section 37(2)(b)(iii) are applicable.
- the Board has previously approved a 24.2m high building (ABP-304383-19) and 18.9m to 77.8m high buildings (ABP-307804-20) on sites adjoining and 250m respectively to the northwest of the application site. The proposed development is continuing on that pattern of permitted development, as well as the pattern of existing development on the adjoining associated phase 1 Carriglea Industrial Estate lands and in the adjacent Lansdowne Gate apartment development. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable with respect to the proposed building heights.

17.0 Conditions

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

Reason: In the interest of clarity.

2. Revised details shall be submitted with regard to the following:
 - (a) revised elevation details and/or landscaping breaking up the appearance of the car park gable wall structure situated between blocks F and G facing onto the surface-level pedestrian / cycle route;
 - (b) revised landscape layout to provide privacy strips fronting the living-room windows and terraces serving apartments D1.06 and D1.07 on the south side of block D, fronting the terraces serving apartments E_03, E_04 and E_06 on the south side of block E, fronting the bedroom window serving Apt. 07 on the east side of block H and along the bedroom and dining room of the south-east facing windows serving the podium-level southeast corner apartment in block K;
 - (c) segregation and provision of a privacy screen between the terraces serving apartments E_03 and E_04 of block E and provision of privacy screens to the terraces serving block F podium-level apartments 1 and 6;

- (d) provision of opaque glazing in the east-facing panels of the box windows serving apartments 17, 18, 21 and 22 on the third and fourth floors of block H and opaque glazing in the narrow windows to the kitchens serving apartments L1.01, L2.07, L3.13, L4.19, L6.31 and L7.41 in block L;
- (e) provision of opaque glazing in the east-facing windows serving bedroom nos.2 to apartments 7 and 13 in block H or the replacement of these east-facing windows with high-level east-facing windows and additional north-facing windows;
- (f) revised layouts for the two studio apartments in blocks H and J to provide for natural lighting of their respective living and bedroom areas;
- (g) provision of a pedestrian and cycle route on site connecting into Carriglea Drive and provision of a pedestrian and cycle route on site to provide for a future potential level connection to the permitted development on the Concordia Industrial Estate site (ABP ref. 304383-19);
- (h) provision of a pedestrian and cycle route connection on site, as indicated in the Naas Road Lands Local Area Plan 2013, extending to the southern boundary with the Drimnagh Castle Post-Primary Schools grounds, to provide for a future potential level connection to these adjoining lands;
- (i) provision of eight non-standard (cargo) cycle parking spaces and secure visitor cycle parking spaces with improved levels of passive surveillance.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual and residential amenity, traffic and pedestrian safety.

3.
 - (a) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of car and cycle parking spaces to serve residents, occupants and visitors of the previously permitted phase 1 development and the subject phase 2 development, would be provided throughout the construction phases of the development.
 - (b) The development hereby permitted shall not be made available for occupation until such time as all enabling infrastructure, including the linear park public open space within the previously permitted phase 1 development and the subject phase 2 lands, are completed to the written satisfaction of the planning authority.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed and permitted dwellings and the satisfactory completion of the overall development.

4. 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 prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. The following requirements shall apply to the proposed café unit:
 - i) Prior to the occupation of the café and digital hub, details of any proposed signage to be applied to the elevations of the building, including

details of the materials, colour, lettering and depth of the signage shall first be submitted to and agreed in writing with the Planning Authority.

ii) The glazing to the café unit shall be kept free of all stickers, posters and advertisements.

iii) The café shall operate only between the hours of 0700 to 2200 hours Monday through Sunday.

iv) Permission is for café use, where no hot food preparation on the premises is permitted. Any change to this arrangement shall be subject to a separate grant of planning permission.

Reason: In the interest of the proper planning and orderly development of the area.

6. 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.

Reason: In the interest of urban legibility.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. All findings of the submitted Stages 1 and 2 Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

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

8. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. An off-street surface-level loading bay/set-down area for the non-residential uses, including café and digital hub, shall be identified and allocated for these uses. Residential car parking spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car parking shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development.

9. Prior to the occupation of the development, a Mobility Management Strategy (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

10. A minimum of 10% of all car parking spaces should be provided with electric vehicle (EV) charging stations/points, at least one of which should

serve a car club / car share space, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.

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

11. 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. Audio equipment / speakers shall not be operated from the external seating areas to the café.

Reason: In the interests of residential amenity.

12. 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.

Reason: To protect the visual amenities of the area.

13. The developer shall enter into water and / or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

- b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.
- d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

- 15.** Public lighting shall be provided in accordance with a scheme, which shall include lighting along finalised pedestrian / cycle routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take account of existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

- 16.** 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

17. a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Specification Report, which accompanied the application, unless otherwise agreed in writing with, the planning authority prior to the commencement of development.
- b) details of the hard landscaping materials and boundary treatment shall be submitted to and agreed in writing with the planning authority.
- c) the locations of trees and planting along the western boundary following and addressing a 3 metre wide wayleave for an existing 225mm-diameter Irish Water sewer shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of residential, visual amenity, public health and wastewater management.

18. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally-constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

20. (a) 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 and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for secure communal bin stores for the development, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects', published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

- 22.** The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
 - j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;

- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

- 23.** Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

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

be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

- 25.** Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

- 26.** The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colm McLoughlin
Senior Planning Inspector

21st January 2022

Appendices

Appendix A: EIA Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-310606-21
Development Summary		The construction of 249 apartments with ancillary amenities, a café and a digital hub, and associated development at Carriglea industrial estate, Muirfield Drive, Naas Road, Dublin 12.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report and a Site Ecology Report were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
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	Yes	See the Inspector's report, including section 13.1.6. SEA and AA were undertaken in respect of the Dublin City Development Plan 2016-2022 and the Naas Roads Lands Local Area Plan 2013

B. EXAMINATION	Yes/ No/ Uncertain	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) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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 construction of eight blocks largely comprising apartments with associated communal and commercial uses. There is variety in the nature and scale of development in the surrounding area, including residential buildings and various commercial buildings, and the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development would take place on a brownfield site within Dublin city and any changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area.	No

<p>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?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.</p>	<p>No</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. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the measures outlined in the submitted Construction Management Plan and the Construction and Demolition Waste Management Plan (CMP & CDWMP) 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 similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of measures outlined in the CMP & CDWMP would satisfactorily mitigation the potential impacts.</p> <p>Operational waste will be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risks are identified. There is no direct connection from open water on the site to other waters. The Camac River is culverted through a pipe under the site. Operation of the measures outlined in the CMP & CDWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor, attenuation tank and hydrobrake to the culverted river. Surface water drainage will be separate to foul services within the site.</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>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of the measures listed in the CMP & CDWMP. 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>Yes</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 the measures within the CMP & CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated with water supplies in the area via piped services.</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 is predicted 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. The site is outside the consultation / public safety zones for Seveso / COMAH sites.</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 would result in an intensification of use, an increase in population and employment in the café and digital hub. The development would provide housing that would serve towards meeting an anticipated demand in the area.</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>Yes</p>	<p>The development forms phase 2 of a larger development on this 2.6ha landholding, zoned for similar planning objectives. The overall project comprises a serviced urban site and the phase 1 development would comprise an additional 144 residential units, as well as a childcare facility and gymnasium, which would not result in significant cumulative effects on the environment.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>Sensitive ecological sites are not located on site. The nearest European sites are listed in table 7 of this report. The Grand Canal proposed Natural Heritage Area is situated 670m to the north of the site. Annex II habitats or habitat suitable for protected species of plants were not found on site during ecological surveys. The proposed development would not result in significant impacts to any of these sites.</p>	<p>No</p>

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>The proposed development would not result in significant impacts to protected, important or sensitive species, including those using the adjacent watercourse green infrastructure. Biodiversity measures are included as part of the overall landscape strategy for the site.</p>	No
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>The site and surrounding area does not have a specific conservation status and there would be no significant impacts on the neighbouring Drimnagh Castle due to the separation distance and open area remaining around this feature.</p>	No
<p>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?</p>	No	<p>No such features are in this urban location.</p>	No
<p>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?</p>	No	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to the Camac River watercourse are considered, however, no likely significant effects are anticipated.</p>	No
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	No	<p>Risks of subsidence, landslides or erosion are not apparent.</p>	No

<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>	No	<p>The site is served by an urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	No
<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>	Yes	<p>Drimnagh Castle Post-Primary School is situated adjoining to the south and west of the site, however, arising from the project, including the CMP & CDWMP, no significant operational impacts would be anticipated for this facility, or significant additional demands on local facilities.</p>	No

<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 development result in cumulative effects during the construction/ operation phase?</p>	No	<p>The phase 1 development is currently ongoing and it is also intended to construct a temporary car park facility to serve phase 1 residents, while the subject phase 2 works are being undertaken. Given the nature of the proposed and permitted developments on this wider landholding, as well as the phasing arrangements, significant cumulative environmental effects would not be likely to arise. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan, although significant impacts would not arise</p>	No
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	No	No transboundary considerations arise	No
<p>3.3 Are there any other relevant considerations?</p>	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

D. MAIN REASONS AND CONSIDERATIONS
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021; the location of the residential units, café and digital hub on lands zoned 'Z14' within the Dublin City Development Plan 2016-2022 for social, economic and physical development and/or rejuvenation of an area with mixed uses, of which residential and 'Z6' would

be the predominant uses, the identification of the lands for substantive residential development in the Naas Road Lands Local Area Plan 2013 and the results of the Strategic Environmental Assessment of the Development Plan and the Local Area Plan;

- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2021;
- 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);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction Management Plan and the Construction and Demolition Waste Management Plan.

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

Inspector: _____ **Colm McLoughlin**

Date: **21st January 2022**