



An
Bord
Pleanála

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

Inspector's Report ABP-311669-21

Strategic Housing Development

112 Build to Rent apartments and associated site works.

Location

Rocklawn, Leopardstown Road,
Dublin 18. (www.rocklawnsd.ie).

Planning Authority

Dun Laoghaire Rathdown County
Council.

Applicant

Bridgeclip (Developments) Limited.

Prescribed Bodies

1. Irish Water.
2. National Transport Authority.
3. Transport Infrastructure Ireland.
4. Dun Laoghaire Rathdown
County Childcare Committee.

Observer(s)

1. Billy Wallace
2. Dave O’Gorman
3. Jean Gargan-Smith
4. John Conway and The Louth Environmental Group (BKC Solicitors)
5. Leopardstown Heights Residents Association (Conor Sheehan)
6. Oran Crean
7. Simon and Jennifer Maguire

Date of Site Inspection

23 December 2021.

Inspector

Stephen Rhys Thomas.

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was made by Bridgeclip (Developments) Limited and received by the Board on 14 October 2021.

2.0 Site Location and Description

- 2.1. The subject site is located on Leopardstown Road (R113), adjacent to the housing estate area of Leopardstown Heights, that comprises Mount Eagle (Rise, View, Green, Way, Grove, Drive, Park and Court), to the immediate west is Leopardstown Rise. A residential property 'Carraig' is located to the east of the site. The site is accessed from a short spur road off the main Leopardstown Road and backs on to the public open space associated with Leopardstown Heights. The M50 is located to the north of the site in a cutting and the Murphystown Way crosses over the M50 and joins the Leopardstown Road (N31). Junction 14 provides access to and from the M50 and this is located to the west of the site. The employment centre of Sandyford Business Park is located across the M50 and the Glencairn Luas stop is located to the east of the site. Sandyford Village is located to the west of the site.
- 2.2. The site has a stated site area of 0.84 hectares, is generally rectangular in shape, and comprises an undeveloped parcel of land that is heavily overgrown with vegetation and trees. The land rises up from the Leopardstown Road and includes a number of mature trees, particularly along the western and southern site boundary adjacent to public open space. The lands are bounded by Leopardstown Rise to the west, an existing single-storey detached dwelling known as 'Carraig' to the east, a significant expanse of public open space / parkland (including a playground) to the south which serves the wider Mount Eagle/Leopardstown Heights estate, and by an area of disused land which fronts onto an existing footpath and cycleway alongside the Leopardstown Road to the north.
- 2.3. The local area is characterised by large detached two storey dwellings to the west at Leopardstown Rise, two storey semidetached houses at Leopardstown Heights/Mount Eagle and large detached dwellings set back from Leopardstown Road. Apartments are currently under construction and nearing completion at

Woodward Square, a recently permitted strategic housing development a short distance to the east.

3.0 Proposed Strategic Housing Development

3.1. The proposed development on a total site of 0.84 hectares will consist of 112 residential build to rent (BTR) units in 2 separate blocks, ranging in height from 4 to 6 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	0.84 hectares
Number of Units	112 units (all apartments), comprising one and two bedroom units.
Density	133 units per hectare (gross)
Dual Aspect	62 apartment units (55%)
Other Uses	None.
Public Open Space	1,638 sqm – 19.5% of the site
Communal / Semi-Private Space	977 sqm (communal courtyard and transitional space)
Tenant Amenity Space	320 sqm of residential amenity space in two dedicated spaces located on the Ground Floor of Blocks A and B, in addition to post and parcel storage facilities; waste storage facilities.
Height	4-6 storeys
Parking	51 car parking spaces (46 domestic spaces and 5 car club spaces) 176 resident bicycle spaces
Vehicular Access	Via an upgraded access road off Leopardstown Road.

Part V	11 (at Block A comprising 7 one bed and 4 two bed units)
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3.2. Housing Mix

Unit Type	1 bed	2 bed	Total
Apartment	72	40	112
% of Total	64%	36%	100%

The development also includes a new north/south pedestrian link and upgraded vehicular and pedestrian entrance from Leopardstown Road.

4.0 Planning History

4.1. The Site

Relevant and recent applications include:

D18A/0314 / PL06D.301956, permission refused for 42 residential units across four 3 storey residential blocks.

D07A/1450 / PL06D.227319, permission refused for 100 apartments and a creche across 5 blocks ranging in height from 2 to 4 storeys

D00A/1203 / PL06D.123953, permission refused for 3 two storey four bedroom dwellings and 2 two-storey five bedroom dwellings.

4.2. Nearby Sites:

D18A/0609 / PL06D.303196, permission for 32 units in three blocks up to four storeys. Completed.

ABP-302580-18, permission for demolition of an existing house and outbuildings. Construction of 243 apartments up to 4/5 storeys, 98 houses, childcare facility and associated site work. Under Construction.

ABP-308227-20, permission for 249 apartments (4 to 13 storeys), childcare facilities and associated site works.

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre-application consultation with representatives from An Bord Pleanála, the applicants and the planning authority took place on the 27 August 2020 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-308940-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.
- 5.2. The prospective applicant was advised that the following specific information was required with any application for permission:
1. A Housing Quality Assessment (HQA).
 2. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to an amended daylight/sunlight/overshadowing analysis, overlooking, visual impact and noise.
 3. Justification, and where appropriate amendment, to demonstrate that car parking quantity and location, road layouts, including design and materiality of the proposed shared surfaces, complies with DMURS and local authority standards where relevant.
 4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
 5. Landscaping Proposals, including a report that provides appropriate rationale and details, and addresses the comments contained within the Planning Authority's submission on this pre-application (dated 21st January 2021).
 6. Drainage details, including layouts, relevant consents and reports, such as would clearly address and respond to comments within the internal report from the Drainage Section of Dun Laoghaire Rathdown Council.
 7. Additional CGIs/visualisations/3D modelling.
 8. All supporting technical/environmental reports to be updated as required.

9. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
 10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
- 5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:
1. Irish Water
 2. National Transport Authority
 3. Transport Infrastructure Ireland
 4. Dun Laoghaire Rathdown County Childcare Committee

5.4. **Applicant's Statement**

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

6.0 **Relevant Planning Policy**

6.1. **National Policy - Project Ireland 2040, National Planning Framework (NPF)**

- 6.1.1. The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. Table 4.1 of the framework sets growth targets for Dublin City and Suburbs, proposing a 20-25% growth in population to 2040. In achieving this, it places a great emphasis on compact growth requiring a concentration of development within the existing built-up area, including increased densities and higher building format than hitherto provided for. The NPF includes 75 no. National Policy Objectives (NPO). The following objectives are of note:
- NPO 2a: states that a target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs

- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- NPO 4: To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

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

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

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

6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

Pillar 4: Improve the Rental Sector. The key objective is to address obstacles to greater private rented sector delivery and improving the supply of units at affordable rents. Key actions include encouraging the “build to rent” sector.

6.2. **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Regulation of Commercial Institutional Investment in Housing. Guidelines for Planning Authorities (May 2021).

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

6.3.1. The Dublin Metropolitan Area Strategic Plan (MASP) is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area. The following Regional Policy Objectives (RPO) are noted in particular:

- RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.
- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.
- RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach,

with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

6.4. **Local Policy**

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

Land Use Zoning and Specific Local Objectives - The following is noted pertaining to the development site:

- The site is zoned ‘Objective A’ which seeks to ‘*protect and/or improve residential amenity*’ – ‘Residential’ is ‘Permitted in Principle’ under this zoning objective.

Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units. Chapter 2 includes inter alia policies which seek to increase housing supply and density (**RES3**

& RES4) ensure an appropriate mix, type and range of housing (**RES7**) and promote the development of balanced sustainable communities.

Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.

Policy RES 3 Residential Density:

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development.

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

- Policy RES7: Overall Housing Mix - encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.
- Policy RES14: Planning for Communities –in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’.
- Chapter 2.2 - Sustainable Travel and Transportation.

- Policy UD1: Urban Design Principles - all development is of high-quality design that assists in promoting a 'sense of place'.
- Policy UD6: Building Height Strategy- Compliance with the national guidance.
- Appendix 9 details the Building Height Strategy. Section 4.8 focuses on residual suburban areas not already included within boundaries of the cumulative areas of control. This site is located in one such area. It states that a general recommended height of two storeys will apply. It further states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.
- Upward Modifiers are detailed in section 4.8.1. It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5Ha could set its own context.
- It is stated that to demonstrate to the Planning Authority that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

Policy UD6: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

- Section 8.2.3.2- (i) Density. The sustainable housing guidelines of 2009 are promoted and a minimum of 35 units per hectare are allowed with more than 50 required at public transport nodes.
- Section 8.2.3.3- Apartment Development
 - (ii) 70% to have dual aspect,

(iii) mix required at a ratio of 40/ 40/ 20 for 1/2/3 plus units.

(iv) 22m separation distance required.

An advisory note at the beginning of the development plan to state that the standards and specifications as set out in Section 8.2.3.3 have been superseded by the implementation of the national apartment standards and those SPPRs contained within.

Car parking

- Section 8.2.4.5- Parking provision in excess of the maximum standards set out for non-residential land uses in Table 8.2.4 shall only be permitted in exceptional circumstances as described below.

Reduced parking or car –free parking will be allowed in areas with high public transport accessibility.

- Table 8.2.3: Residential Land Use - Car Parking Standards

- Apartments- 1 space per 1-bed unit/ 1.5 spaces per 2-bed unit/ 2 spaces per 3-bed unit+/ (depending on design and location).

Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights strategy, and car and cycle parking. Policy UD1 refers to Urban Design Principles. Policy UD2 requires Design Statements for all medium to large developments, and UD6 refers to Building Height Strategy.

Section 8.2.8.2 Communal open space. Requirement of 15 sq.m- 20 sq.m. of Open Space per person, based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site.

Development Management standards of note (but not limited to):

- **Section 8.2.3.1** Quality Residential Design
- **Section 8.2.3.2** Quantitative Standards
- **Section 8.2.3.3-** Apartment Development

- **Section 8.2.3.5** Residential Development- General Requirements
- **Table 8.2.3** - sets out the residential land use car parking standards as follows:
 - Apartments - 1 space per 1 bed unit
 - 1.5 spaces per 2 bed unit
 - 2 spaces per 3-bed unit+
- **Section 8.2.4** – Sustainable Travel and Transport
- **Section 8.2.8** – Open Space and Recreation
- **Section 8.2.10.4** – Flood Risk Management
- **Section 8.2.11** Archaeological and Architectural Heritage (including ACAs)
- **Section 8.2.11.2** Architectural Heritage – Protected Structures.

6.5. **Applicant’s Statement of Consistency**

- 6.5.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 Guidelines, the Dun Laoghaire Rathdown County Development Plan 2016-2022 and other regional and national planning policies. This has been examined and noted.

6.6. **Applicant’s Material Contravention Statement**

- 6.6.1. A Material Contravention Statement has been prepared that sets out the rationale as to why the development could be permitted even when the proposal would represent a material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 in terms of the following objectives:

1. **Car Parking** - Section 8.2.4.5 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 prescribes minimum standards for the quantum of car-parking spaces. This would result in a requirement for 132 spaces, 51 spaces are proposed. The shortfall in car parking space provision is considered justifiable with regard to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 that ‘Central and/or Accessible Urban Locations’ can accommodate a reduced provision of car parking. In addition to this, SPPR 8 of the Apartment Guidelines (2020), notes that for proposals that qualify as specific BTR development, ‘There shall be a default of minimal or significantly reduced car parking provision on the basis of

BTR development being more suitable for central locations and/or proximity to public transport services.’ Five car club parking spaces will be on site, it is anticipated that due to the subject site’s location, the provision of a total of 51 car parking spaces (46 regular and 5 car club) will adequately facilitate the number of private car journeys generated by the proposed development.

2. **Building Height** - The proposed development comprises two blocks. Block A is 6 No. storeys with setback, while Block B is 5 No. storeys with setback. Appendix 9 of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 provides the County’s Building Height Strategy. The subject site is not located in an area identified for any specific policy provisions with regard to building height. While it is located in an area covered by the non-statutory Stepside Action Area Plan, 2000, that document focuses on achieving minimum residential densities for identified development parcels, rather than noting minimum or maximum height limits. Therefore, it is considered appropriate to assess the building height of the proposed development within the parameters of ‘Residual Suburban Areas not included within Cumulative Areas of Control’, as discussed in Section 4.8 of the Building Height Strategy. According to the development plan, the maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered. The factors that may allow for this are known as ‘Upward or Downward Modifiers’. The applicant has provided a detailed assessment of the ‘Upward or Downward Modifiers’ and concluded that the proposal is acceptable.
3. **Dual Aspect** - The proposed development comprises 112 apartments comprising 50 (45%) single aspect units and 62 (55%) dual aspects units. Section 16.3.3 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 prescribes minimum standards for the quantum of dual aspect apartments that are to be provided in new developments. Section 16.3.3 states that ‘apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments’.

By responding to the site’s context, a sense of place is created through building forms, carefully designed outdoor spaces and distinct character areas. The 5-6 storey apartment blocks are located within the centre of the site. These carefully

arranged linear blocks run in a north – south orientation so as to maximise natural light to the apartments. Dual Aspect Ratios are included in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) and these seek 33% - 55% Dual Aspect ratios. In addition, Specific Planning Policy Requirement 4 (SPPR4) part (ii) of the Apartment Guidelines (2020) which states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

7.0 Observer Submissions

- 7.1. Seven submissions were received and relate to a number of common issues that include: overdevelopment of the site, lack of adequate car parking, that the proposed development is a contravention of the County Development Plan in a number of areas. Proposed buildings are too tall, and density is too great, all of which is out of character with the area. A large population will lead to traffic congestion and negative impacts to already oversubscribed public transport services. Some submissions supported residential development but not at the scale and density proposed. Some legal issues are also raised, as well as matters to do with the thoroughness of the EIAR. The content of the submissions received can be summarised follows:
- 7.2. Development Plan – the proposed development will contravene a number of Development plan policies, such as height, car parking and dual aspect. However, it is suggested that other policies are also contravened, such as: density (Policy RES3), residential mix and the protection/preservation of trees.
- 7.3. Height and Scale – the proposed development is out of character with other local development because of its height and scale relative to two storey housing in the vicinity. The removal of a floor from blocks A and B is requested.
- 7.4. Sunlight/Daylight – the impact of the development on the amenities of the Laura Lynn Children’s Hospice has not been adequately considered.
- 7.5. Antisocial behaviour – the site attracts antisocial behaviour at present, the proposed development will provide a new pedestrian link to the Leopardstown Road and this is welcomed. Local residents recommend that a gate be installed and the gate to

remain closed during the night-time. A boundary treatment that comprises a granite wall is preferred to a fence.

- 7.6. Traffic/Transport – the proposed development combined with other permitted and under construction housing developments in the area, will add to traffic congestion on roads already congested. The Luas and local bus system is oversubscribed and the proposed development will add to an already stretched service. The lack of enough car parking spaces will result in overspill car parking in local estates (reliance on Draft Development Plan standards should be rejected). The provision of so much surface car parking impacts on the provision of public open space within the development site, undercroft or underground car parking should be considered.
- 7.7. Build to Rent – the development of build to rent accommodation will result in a transient population.
- 7.8. Childcare facility – the proposed development will not include a crèche, other developments permitted in the area, have included a crèche and so should the current proposal. The findings of the Childcare Demand Assessment submitted with the application are criticised, and haven't sufficiently demonstrated that the proposed development requires a crèche.
- 7.9. Public Park Facilities – local residents paid for new park play equipment (€25,000), if the development is permitted a special contribution should be applied to further enhance the local public open space the site adjoins.
- 7.10. Infrastructure – the applicant has not demonstrated that the proposed development will not impact on the existing piped services and could cause flood risk.
- 7.11. Environmental Impact Assessment Report – the EIAR submitted with the application is deficient in terms of scoping and completeness, cumulative impacts and impacts to neighbouring property.
- 7.12. AA Screening – the entire screening assessment report is deficient, but specifically, mitigation measures have been included when they should not and references to the EIAR are inconsistent.
- 7.13. Procedural Issues – the site notice referred to South Dublin County Council not Dun Laoghaire Rathdown County Council. The public notices are not descriptive enough. Layout plans have misnamed local housing estates. Minutes of meetings with

DLRCC are not available on the website and the EIA Screening Report is not available to download. The applicant's website is deficient as a number of documents cannot be downloaded (such as basement plans) and so the application should be invalidated and cannot be granted permission.

7.14. Legal Issues - Questions have been raised whether the Board could grant permission when certain regulations have not been followed, the EIAR has precluded full public participation and the development contravenes the land use zoning, amongst other things.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 8 December 2021. The report states the nature of the proposed development, the site location and description, planning history, submissions received and details the relevant Development Plan policies and objectives. A summary of the views of elected members as expressed at the Dundrum Area Committee on 3 November 2021 is appended to the Chief Executive's Report and summarised adequately in the planning authority's report and follows the concerns raised by third party observers, the views of the elected members are replicated below.

- The provision of communal open space is insufficient.
- Proposed development is out of scale with surrounding context in terms of height.
- Proposal to give rise to significant impacts on residential amenity of residents on Mount Eagle both at operation and construction, the latter due to rock breaking.
- Under provision of dual-aspect units.
- LUAS currently operating at capacity.
- Shortage of Primary and Post-Primary Schools in the Area.
- Excessive tree removal proposed.

- Scrubs as defined in documentation are deemed to be hedgerows with rich biodiversity and capacity to accommodate wildlife corridors.
- Infrastructure Department should be present at ACM Meetings.
- Vast majority of units have no sight of green areas.
- Proposal comprises two long unbroken blocks with no courtyards, which represents poor design quality.
- Despite no policy obligation proposal should include 3-bedroom units.
- Proposed public open space is of very poor quality.
- A technical School Capacity Assessment should be provided.
- Members should be advised of Letters of Consent before these are issued.
- Inadequate car parking provision.
- Concerns about council facilitating council land without community gain.
- Infill site in low density areas, proposal is consistent with local and national policy to densify areas.
- Car ownership is declining so less parking should be provided.
- Layout of path along public open space creates issues from accessibility perspective.
- No external storage available for bulky goods.
- SHD system is flawed as it allows Development Plan to be contravened in terms of height, dual aspect units and car parking.
- SHD not contributing to increasing housing units available.
- No adequate unit-mix is proposed.

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

8.2.1. **Application Validity** – the public notices refer to South Dublin County Council in order to view documentation, when in fact the documents were available to view at Dun Laoghaire Rathdown County Council offices.

- 8.2.2. **Principle of Development** – residential development is an acceptable land use on lands zoned A.
- 8.2.3. **Residential Density** – the development supports residential density in excess of 50 units per hectare when the site is located closer than a kilometre from a Luas line (RES3). The site is around 550 metres from the Glencairn Luas stop and subject to appropriate design, a high residential density is supported at this location.
- 8.2.4. **Building Height** – Policy UD9 of the development plan guides building height and suggests upward and downward modifiers to better suit height to location. In this instance two upward modifiers can be applied, topography and a site larger than 0.5 hectares, in order to allow for an increase in height up to six storeys. The proposed development is, therefore, deemed to comply with the Building Height Strategy of the 2016-2022 County Development Plan. Given that the proposed height is deemed to comply with the Development Plan and is acceptable from that perspective a forensic assessment against the s.28 Guidelines is not deemed necessary in this instance.
- 8.2.5. It is noted that the height and scale of the development is well suited to the site and will not have any adverse visual impacts. In addition, satisfactory results have been submitted in relation to sunlight/daylight/overshadowing impacts to neighbouring property, no adverse impacts are noted.

Standard of Accommodation

- 8.2.6. **Unit Mix** - Section 8.2.3.3 (Apartment Development) (iii) (Mix of Units) of the County Development Plan states that schemes for apartment developments with greater than 30 no. units 'should generally comprise of no more than 20% two-bed units and a minimum of 20% of units over 80sq.m'. The Planning Authority acknowledges that its CDP policy on this issue has been superseded by the Sustainable Urban Housing - Design Standards for New Apartments (2020) and specifically SPPR 8 which imposes no mix requirements in built to rent developments. Nevertheless, the Planning Authority considers that the provision of 3 bedroom apartments on site for the rental market would be a positive addition in order to create a sustainable residential community. On that regard a condition is recommended, should the Board be minded to grant permission, requesting revised plans being provided showing 10% of the units as three-beds.

- 8.2.7. **Size** – 48 units (43%) of the apartments exceed the minimum floor area standards by 10%. The Board should satisfy themselves that the floor areas of the subject apartment units accord with the relevant guidelines.
- 8.2.8. **Dual Aspect** - The Planning Authority is concerned that despite the unencumbered environment, the subject scheme only achieves 40% of dual aspect units due to unsatisfactory design, on that basis the subject scheme, is deemed to provide an unsatisfactory level of residential amenity.
- 8.2.9. Floor to ceiling heights and lift/stair core provision is acceptable.
- 8.2.10. **Sunlight/daylight** – Despite some Living Kitchen Dining rooms failing to achieve daylight distribution standards, the results submitted and in combination with the provision of balconies/ground floor terraces for all units contribute to the scheme being considered as capable of providing adequate levels of sunlight and daylight.
- 8.2.11. **Amenity Space** – private amenity, storage and communal facilities are all to an acceptable standard.
- 8.2.12. **Design and finishes** – appropriate materials and finishes are proposed and the active ground floor uses are welcomed.
- 8.2.13. **Open Space/Public Realm** – The amount of reckonable public/communal open space falls below Development Plan standards, a payment in lieu will be acceptable. It is not within the Applicant's wherewithal to provide the complete link to the public park. To address this issue the Applicant is proposing to pay a special contribution, under section 48(2)(c) of the Planning and Development Act 2000 (as amended) to facilitate to connection from the proposed pedestrian link with the public park. This is acceptable, but a gated entrance is not. New and well overlooked public realm will be provided and the retention of the Monterey Pines in the north western corner of the site, is welcomed. The provision of active uses in the form of residential amenity areas addressing Leopardstown Road is welcomed, the provision of surface car parking is not as it will be visually dominate the site.
- 8.2.14. **Separation Distances** – adequate separation distances are proposed, and adjacent property will not be adversely overlooked.

- 8.2.15. **Noise** – the site is close to the M50, it appears that insufficient mitigation measures are proposed to manage the potential negative impacts from road traffic noise, permission should be refused but appropriate conditions are also recommended.
- 8.2.16. **Access** – vehicular/cycle/pedestrian access from the Leopardstown Road is acceptable.
- 8.2.17. **Parking** – the number of car parking spaces is too low and will ultimately result in overspill of parking to the surrounding residential areas, permission should be refused. A sufficient number of cycle spaces are provided but would benefit from some design changes to make them more accessible (stacked spaces are not appropriate for everyone).
- 8.2.18. **Surface Water and Flood Risk** – reports prepared by the applicant are acceptable, standard conditions are recommended.
- 8.2.19. **Part V** - the applicant should be requested to submit an alternative Part V compliance proposal for consideration and agreement, in the event of a grant of permission.
- 8.2.20. Matters that concern taking in charge, construction management, building life cycle report, legal covenants, archaeology, biodiversity are all noted and conditions recommended where appropriate.
- 8.2.21. **Conclusion**
- 8.2.22. The planning authority recommend that permission be refused for two reasons as follows:
1. The quantum of car parking spaces proposed materially contravenes the standards established by Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, increasing the risk of overspill car parking in adjoining residential areas, which would have a detrimental impact on the road network in the area. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
 2. The proposed development comprises an insufficient proportion of dual-aspect units considered the unencumbered nature of the site. Furthermore, the non-provision of 3-bedroom apartments results in the scheme not comprising an adequate housing mix to cater for a variety of housing needs. Furthermore, potential

negative impacts caused by the road traffic noise from the M50 in the vicinity have not been successfully mitigated within the scheme as proposed. The combined effects of the aforementioned issues results in the scheme provided an inadequate standard of residential accommodation, and would not contribute to achieving the site's zoning objective, which is to 'to protect and/or improve residential amenity'.

8.2.23. In the event that permission is granted by the Board, the planning authority recommend the addition of 40 conditions, most are of a standard and technical nature, together with financial contribution suggestions. Specific conditions seek amendments to the proposed development and include:

- Condition 5 that seeks a greater mix of units.
- Condition 7, amendments to boundary treatment and the pedestrian access to the Leopardstown Road.
- Condition 23, an increase in cycle parking spaces.
- Condition 29 to provide a maintenance vehicle set down area.
- Condition 33, emphasis placed on items to be included within a mobility management plan.

8.3. **DLRCC Departmental Reports**

Drainage Report: No objection subject to conditions

Transport Planning: Refuse permission but conditions recommended in the event that permission is granted.

Environmental Health Officer: further information required.

Environmental Section Report: No objection subject to conditions.

Housing: Part V submission noted, amendments required.

Public Lighting: technical requirements outlined and requested.

Bonds and Contributions: Bonds in relation to units, payment in lieu of open space, section 48 calculations, and section 49 (Glenamuck).

9.0 Prescribed Bodies

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

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. Dun Laoghaire Rathdown County Childcare Committee.

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 13 October 2021. A summary of those prescribed bodies that made a submission are included as follows:

Irish Water (IW) – In order to accommodate the proposed connection to Irish Water network, upgrade works are required at the Leopardstown Road bifurcation chamber to utilise the existing storage at Burton Hall Road and limit flow by installing a 200mm diameter hydrobreak orifice. The developer is required to enter into a connection agreement in advance of commencement of development to facilitate the design and delivery of these works that are not expected to require third party consents or permissions outside of the requirement for a Road Opening Licence, from the appropriate Authority.

In terms of water supply, a new connection to the network is feasible based on connecting to the existing 150mm main to the North East of the site.

There is available capacity in IW networks for the proposed development, technical and standard conditions are recommended if permission is granted.

10.0 Assessment

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

- Zoning/Principle of Development
- Residential Density
- Urban Design – building height, layout and public realm
- Residential Amenity
- Traffic and Transport
- Infrastructure
- Material Contravention Statement
- Other Matters
- Planning Authority Recommendation

10.2. Zoning/Principle of Development

10.2.1. The site is governed by zoning objective A ‘to protect and/or improve residential amenity’. The planning authority and local observers accept that residential development is an acceptable use at this location. Having regard to the nature and scale of development proposed, namely an application for 112 residential units located on lands within zoning objective A, in which residential development is ‘permitted in principle’, I am of the opinion that the proposal is acceptable in principle and in accordance with the zoning objective relating to the site and that the proposed

development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.3. Residential Density

- 10.3.1. The proposed development has a density of 133 units per hectare, based on a site area of 0.84 ha and the provision of 112 units. Observer submissions contend that the density is too high for the site, with the proposal resulting in over-development and over-intensification of the site, which is in opposition to the character of the area. A single observer suggests that the proposed development materially contravenes the development plan with regards to density.
- 10.3.2. The planning authority are not opposed to the residential density advanced by the applicant. In their view, the development plan supports residential density in excess of 50 units per hectare because the site is located closer than a kilometre from a Luas line, Policy RES3 of the development plan refers. The planning authority note that the site is around 550 metres from the Glencairn Luas stop and subject to appropriate design, a high residential density is supported at this location.
- 10.3.3. The National Planning Framework (NPF) highlights as a key policy, a requirement to secure more compact and sustainable urban development, with at least half of new homes within Ireland's cities to be provided within the existing urban envelope. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. The Dublin MASP, set out in the Regional Spatial and Economic Strategy (RSES), highlights the Luas Corridor as a strategic development corridor, where compact growth is supported.
- 10.3.4. RSES Regional Policy Objective 5.5. states 'Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'. The Sustainable Residential Development in Urban Areas guidelines support consolidated higher density developments along public transport corridors, where higher densities with minimum net densities of 50

dwellings per hectare are supported, subject to appropriate design and amenity standards. With regard to the Design Standards for New Apartment (2020), it is noted that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector.

10.3.5. The application site is a greenfield infill site within the Metropolitan area of Dublin and is located close to the Luas Green Line, within 550m of a Luas Stop (Glencairn). A bus route (number 47) is close to the site, with cycle lanes adjoining the site along Leopardstown Road and on to Murphystown Way. There are existing commercial and community facilities within walking distance of the site and the site is also close to significant employment generators at Sandyford. Given the site's zoning, immediate context, and location proximate to a high capacity Luas line and to high density employment areas, I am of the opinion that the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy. Specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b).

10.3.6. In response to those observers that are concerned that the proposed density is too high at this location, I am minded by national and local development plan policy that advises if the infrastructure is in place then residential densities should be higher to make the most of such provision. This is the case with this site. With regard to the contention of one observer that the proposed residential density would materially contravene development plan policy, this is incorrect. I refer the Board to the Chief Executive's Report and the support for the proposed residential density expressed by the planning authority. I also bear in mind already permitted, under construction and recently completed residential development of similar characteristics to the subject proposal. For reference, policy RES3 of the development plan does not set an upper limit, in fact densities are encouraged to be greater than 50 units per hectare at such locations as the subject site. The proposed development will not

therefore contravene, materially or otherwise, the development plan with regard to residential density.

10.3.7. The residential density proposed is within the range expected close to a high capacity and high frequency public transport corridor within the Dublin metropolitan area. As the Sustainable Residential Development in Urban Areas guidelines state minimum net densities of 50 dwellings per hectare should be considered when a site is 500 metres walking distance of a bus stop, or within 1km of a light rail stop. In addition, the guidelines state that the capacity of public transport should also be taken into consideration in considering appropriate densities. The subject site meets national guidance and local development plan policy in relation to residential density, subject to an assessment of design and amenity standards, which are discussed further in detail hereunder.

10.4. Urban Design – building height, layout and public realm

10.4.1. The layout of the proposed development comprises two parallel blocks set around a central courtyard area with the margins of the site providing either car parking or linear open space. The applicant's Architectural Design Statement explains the rationale for the relative set back of blocks to existing development, their alignment relative to the topography of the site and orientation. The Design Statement identifies the main constraints of the site and compares the proposed development with earlier permitted and refused proposals. The Design Statement sets out how to protect the amenities of neighbouring development and this has driven the design. This is achieved through suitable separation distances between existing and proposed development in order to preserve daylight and sunlight penetration and to modulate the massing of the block through steps in height.

10.4.2. Most observers are not too concerned with the development of the site and note that the proposed two block layout has its merits. However, where concerns are expressed it is in relation to height and observers wish the top floor to be removed in order to better assimilate with adjacent property. The only other significant issue in relation to the layout of the scheme is the provision of a pedestrian link from Leopardstown Heights northwards to Leopardstown Road. Some observers support this new pedestrian link but would like it to be controlled by a security gate. Other observers note the existence of antisocial behaviour on the site at present but agree

that the development as a whole and the formalisation of a pedestrian link would be welcomed subject to controls over usage and opening times.

- 10.4.3. The planning authority have no concerns about the layout of the scheme, the building height or public realm design. Some minor conditions are recommended in relation to taking in charge and the retention and protection of trees, but these are of a standard nature.
- 10.4.4. The most significant issue for observers is the proposed height of the development and how it will appear as an element that is out of character with the area. The applicant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. Both blocks will present a new form and height of development for this area that is currently characterised by two storey conventional houses. Block A is the larger of the two blocks and will present a five storey with a sixth floor set back to the Leopardstown Road and three storey with fourth floor set back to the park at Leopardstown Heights. Due to the topography of the site, Block B appears the lesser of the two blocks and presents a four storey with a fifth floor set back to the Leopardstown Road and three storey with fourth floor set back to the park. I acknowledge that this will be a new form of development for the immediate area, but not uncommon to what has recently been permitted and is under construction in the wider area. It is useful in the context of this site to note the Urban Development and Building Heights Guidelines and apply the criteria for assessing building height. I have applied the following broad principles in considering the proposal for buildings taller than prevailing building heights in this location but I do not rely on SPPR 3 in order to highlight where specific objectives of the relevant development plan indicate otherwise. This is because the existing development plan provides a useful set of criteria to allow building heights to increase and these are known in the plan as upward modifiers.
- 10.4.5. In terms of the form and scale of the development proposed I note that the Urban Development and Building Heights Guidelines link building height with achieving higher residential densities. This is set out in a specific planning policy requirement (SPPR 4) as follows:

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

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;

10.4.6. The Sustainable Residential Development in Urban Areas guidelines state that in relation to residential density, proximity to public transport nodes, developments should provide minimum net densities of 50 dwellings per hectare. Policy RES3 in the current County Development Plan also targets densities in excess of 50 units per hectare where a site is readily accessible to public transport corridors. This is the case with the subject site, and so if higher residential densities are considered to be acceptable then this has a consequence for the height of apartment buildings. I consider that given the location of the site close to a Luas stop and bus stop that higher densities will be acceptable and so building height might also increase. Again, I reiterate that I do not rely on SPPRs to rationalise the proposed development but I do rely on the guidelines to provide useful advice in relation to the types of considerations that should be given to assessing the suitability of taller buildings in order to increase density.

10.4.7. The Height Guidelines acknowledge the sensitivities associated with urban and suburban areas that sometimes can be sensitive to large scale and tall buildings and careful consideration is necessary. In order to consider proposals in an integrated and informed way, an urban design statement addressing aspects of impact on the historic built environment should be submitted along with a specific design statement on the individual insertion or proposal from an architectural perspective addressing those items outlined above. The applicant has submitted a large number of drawings, documents and reports that respond to this call.

10.4.8. The Height Guidelines also state that newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Based on this assumption the applicant makes the case that it is

appropriate to accord with the development plan in line with national guidance and hence the proposal to take account of the upward modifiers in the statutory plan. The building heights proposed by the applicant range from four to six storeys. The taller elements are positioned away from existing development in order to provide an urban edge to Leopardstown Road. In addition, the taller elements of the scheme are stepped away from existing residential development in order to preserve residential amenity.

10.4.9. I note that section 3.0 of the Building Height Guidelines sets out development management criteria in order to assess the appropriateness of taller buildings at a particular location. Section 3.1 of the Height Guidelines presents three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights. The Height Guidelines ask:

- Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres? In my opinion the development proposals meets these parameters, as noted and explained throughout this report, this is achieved by focussing development along high capacity public transport corridors and supporting national strategic objectives to deliver compact growth along such corridors. The planning authority is also of the opinion that the site is suitable for a higher density of development in accordance with the principles established in the National Planning Framework.
- Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines? Yes in the case of the current Dun Laoghaire Rathdown County Development Plan, due to the Building Height Strategy contained in Appendix 9 that provides for upward modifiers and that in this case given the topography and size of the site an additional 1-2 storeys over that standard 3-4 storeys would be achievable.
- 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? It is my view that it can be demonstrated in this particular instance that implementation of the policies, which predate the Guidelines support the objectives and policies of the NPF.

10.4.10. Section 3.2 of the guidelines specifically refer to the proposal on hand. The following sections of my report assess the proposed development against these criteria as follows:

10.4.11. At the scale of the relevant city/town – the site is well served by pedestrian/cyclist connections to the wider area, mandatory cycle lanes run along the southern side of Leopardstown Road to the north. There are footpaths along both sides of Leopardstown Road and the southern portion of the site adjoins a large public open space that it is intended to provide a pedestrian linkage to. The Glencairn Luas stop is located approximately 550 metres to the east of the site and a Dublin Bus service runs along Murphystown Way, also to the east. The Luas is a high frequency and high capacity public transport system and there are frequent double-decker bus services along Murphystown Way. The site is well located with the Sandyford Business Park, a high density commercial/business area, located to the north across the M50, Aiken Village and The Gallops to the south and Sandyford Village further to the west provide some commercial and retail facilities.

10.4.12. The taller elements of the scheme, up to six storeys are located at the northern side of the site. These areas abut Leopardstown Road and incorporate significant landscape buffer areas and new public realm. The southern section of the site steps down in tandem with the rising topography to meet the public park and two storey housing to the west. In addition, block B, the lesser of the two blocks, steps down to meet a single storey dwelling to the east. I am satisfied that a genuine attempt has been made to respect the surroundings. The subject of residential amenity and visual impact is discussed further in sections of my report that refer to residential amenity.

10.4.13. I examine specific residential amenity concerns (overlooking, overbearing appearance and overshadowing) in greater detail under section 10.5 of my report, but the height strategy proposed at the margins of the site has been designed to

protect and arguably improve wider residential amenity through the provision of new and publicly accessible urban spaces. The site has a slope that encourages development to step up or down and buildings have been graduated in height to meet residential development to the east and west. The proposed development will make a positive contribution to place-making, incorporating a new pedestrian street and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of nearby development.

- 10.4.14. At the scale of district/ neighbourhood/ street – a new street network will be developed, and an improved public realm will result from the scheme. In design terms the overall layout, scale and design of the apartment buildings will not result in long, uninterrupted walls of building in the form of slab blocks. Instead, the design of the apartment buildings has been broken up and materials are well selected and appropriate. The urban design of the entire scheme is well considered and there are no flood risk issues as demonstrated by the findings of the Site Specific Flood Risk Assessment submitted with the application. Overall, the proposal makes a positive contribution to the improvement of legibility through the site and wider urban area. The proposal positively contributes to the mix of dwelling typologies available in the neighbourhood.
- 10.4.15. At the scale of the site/building - The form, massing and height of the taller elements have been designed to provide adequate levels of daylight and sunlight for future occupants and the design has been sensitively arranged to provide adequate levels of sunlight/daylight to existing neighbouring properties. This has been modelled and demonstrated in the Daylight/Sunlight and Overshadowing analysis carried out by the applicant in accordance with BRE/BS guidelines, this is examined in detail in the residential amenity sections of my report.
- 10.4.16. The applicant has prepared specific assessments to support the proposals for taller elements on the site. These assessments include: Masterplan and Architectural Design Statement, Landscape and Visual Impact Assessment, Daylight Sunlight and Overshadowing Assessment, Photomontage and CGI images. There are no air navigation or telecommunication concerns in the area. Given that no adverse impact will result from the apartments as proposed, I am satisfied that this is not a material

consideration such as would warrant a refusal or redesign of the proposed development.

10.4.17. I am satisfied that the location and design of the taller elements of the scheme, with some parts of up to six storeys set back along Leopardstown Road are acceptable and accord with the requirements and imperative outlined by SPPR 3 of the Height Guidelines and crucially the wider strategic and national policy parameters set out in the National Planning Framework and section 28 guidelines. As I have already outlined, I do not rely on SPPR 3 to rationalise the development in terms of height but instead I use the development management criteria set out in the guidelines as a useful assessment tool.

10.4.18. The height guidelines observe newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). In addition, the buildings as proposed can result in a good sense of enclosure, legible streets, informal squares and new linkages and a strong sense of urban neighbourhood, passive surveillance and community. I am satisfied that SPPR 4 is also met and that the proposed development secures:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;
2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and
3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.

10.4.19. I am also satisfied that the proposed development is in accordance with the Dun Laoghaire Rathdown County Development Plan building height strategy contained in appendix 9 of the plan, where 'upward modifiers' provide the basis for increased height. The planning authority note that the proposed development meets the requirements of their own development plan in relation to building height, specifically on a site with favourable topography and of a site size greater than 0.5

hectares. I am satisfied that the proposed development both accords with national advice and local policy in relation to building height.

10.4.20. Layout and public realm – the site is regular and square in shape and involves a cross slope downwards from west to east. Two perpendicular blocks have been designed to step into the slope and provide a central courtyard with car parking to the eastern side and a new linear open space walkway linking the public park with Leopardstown Road. Observers are complementary of the new layout except height as discussed above, but also concerns are raised in relation to the new pedestrian linkage from public park to public road, a gate should be fitted and locked at night. Observers also suggest that a special contribution should be sought to pay for play equipment already provided to enhance the park. The planning authority do not entirely agree with all observers, a special contribution should be attached in order to make up for suboptimal public open space but any new pedestrian access route should be open at all times. I am satisfied that the site has been adequately laid out to take advantage of the topography and respect neighbouring property. The provision of new public realm is welcomed and will compliment existing public facilities such as the pedestrian/cyclist facilities along Leopardstown Road and the public park at Leopardstown Heights.

10.4.21. New Pedestrian Route – the applicant will support a new pedestrian link from the Leopardstown Road to Mount Eagle Park. I note that Block A will provide excellent levels of passive supervision of this space and I have no concerns about its safety at all hours of the day. I do not recommend that a gateway be placed either end, but that the linkage should operate as a public thoroughfare, suitably lit and safe. In this respect I note that the planning authority do not support the proposal to provide a lockable gate at either end of the new pedestrian link.

10.4.22. I note the comments made by observers and the planning authority with respect to a special contribution towards facilities at Mount Eagle Park. Figure 69 of the Architectural Design Statement shows the areas of the site devoted to open space (communal and public), using this drawing I calculate that 1,638 sqm of the site is described as public open space. However, the planning authority are critical about the quality of these spaces, being no more than a linear pedestrian route and landscape buffer to the Leopardstown Road, I agree up to a point. The proposed development meets the development plan quantitative requirement for public open

space, and I am satisfied about the quality of such space in usable terms. In addition, I am entirely satisfied that future residents will be able to avail of the large and well maintained Mount Eagle Park to the south and it is right that some sort of contribution should be made. In this context, I note that the applicant following detailed discussions with DLRCC, agreed with the Parks and Planning Department that the best way to facilitate the subject pedestrian link (on the lands within Mount Eagle Park) is by way of a special contribution, under section 48(2)(c) of the Planning and Development Act 2000 (as amended). Both the applicant and the planning authority suggest that the Board include a condition whereby a special contribution is required under section 48(2)(c) of the Planning and Development Act 2000 (as amended) that will facilitate the installation of the subject link within Mount Eagle Park.

10.4.23. I am satisfied that it is appropriate to seek a special contribution under section 48(2)(c) of the 2000 Act to facilitate the provision of a new pedestrian linkage and the disruption that this may cause to the park in the short term. With regard to wider calls from observers and the planning authority to seek additional special contributions to fund for past improvements to the park, I find these to be unreasonable. In my view the general section 48 scheme includes a certain proportion for the improvement of public facilities, in this regard I note that the Council states the section 48 scheme provides a legal basis for the process whereby developers and others are required to financially contribute towards the cost of providing public infrastructure and facilities, that will benefit development within their area. In addition, such schemes increase flexibility for local authorities in relation to the range of projects that can be funded from development levies, by allowing authorities to fund public infrastructure without necessarily tying it to a specific development. Specifically, I note that Class 1 of the countywide scheme highlights what proportion of the section 48 levy would be attributed to community, parks facilities and amenities. In this instance an additional financial burden per unit of a special contribution for the existing park space that is already provided for by the section 48 scheme would not be appropriate and could amount to double charging, in my opinion.

10.4.24. For clarity, I accept that a special contribution that amounts to €20,000 under section 48(2)(c) of the 2000 Act, should be attached by condition for the works required to provide a linkage to the public park is acceptable and the planning

authority and the applicant have already agreed to this (condition 7 of the CE Report refers). However, I disagree that an additional special contribution of €2,000 per unit (condition 40 of the CE Report refers) should not be attached in this instance.

10.4.25. In overall terms, I am satisfied that the layout, scale and massing of the proposed development will be successfully integrated into the receiving environment. The proposed development will be a beneficial urban marker for the area and contribute significantly to the next phase of urban expansion at this place. The impact of taller buildings is positive and acceptable on these lands. Given the information presented to me by the applicant, the planning authority, statutory consultees and taking into account the observations made by local residents, I am satisfied that the combination of stepped height, good use of topography, the adjacent public park, and the scale and massing of apartment buildings have all been successfully drawn together to provide an attractive, accessible and efficient new urban quarter. I recommend no changes to the layout, scale or design of the proposed development.

10.5. Residential Amenity

10.5.1. As with any residential scheme, large or small, the residential amenities offered to future occupants and the preservation and protection of existing residential amenities is a primary planning consideration. In this context, I firstly assess the proposed development as it refers to future occupants, I apply the relevant standards as outlined in relevant section 28 guidelines, specifically the Sustainable Urban Housing: Design Standards for New Apartments (2020). I also apply the residential standards as they are set out in Chapter 8 *Principles of Development* of the County Development Plan. In this context an Advisory Note at the beginning of Chapter 8 states:

Users of this Dún Laoghaire-Rathdown County Development Plan 2016-2022 are advised that the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments’ published by the Department of Environment, Community and Local Government (DoECLG) on 21st December 2015.

The DoECLG Apartment Guidelines contain certain 'Specific Planning Policy Requirements' which became mandatory on foot of the Planning and Development (Amendment) Act 2015 that was signed into law by the President on 29th December 2015. The 'Specific Planning Policy Requirements' set out in the DoECLG Apartment Guidelines take precedence over the Dún Laoghaire-Rathdown standards and specifications as set out in Section 8.2.3.3 of the 2016 – 2022 County Development Plan.

- 10.5.2. With this in mind I have sought to highlight where residential standards differ from development plan advice and guidelines, and what the issues might be. It is therefore necessary to cross reference this section of my report with the material contravention section of my report where the planning authority have highlighted that conflicts might arise, for instance, dual aspect ratio or car parking standards.
- 10.5.3. With respect to the residential amenity for future residents (proposed residential amenity standards), the planning authority have few concerns. However, a greater dwelling mix would have been preferred and the number of dual aspect units could be increased, these two concerns form the basis for the second reason for refusal advanced by the planning authority. Observers show no real concern for the residential amenity standards afforded to future occupants, but do criticise the build to rent format. In terms of existing residential amenity, the most significant concern is the elimination of antisocial behaviour on the site as it currently stands and the visual amenity that results from the height of the proposal. The applicant has submitted a variety of architectural drawings, sunlight/daylight analysis, computer generated images and photomontages. I am satisfied that an appropriate level of information has been submitted to allow an assessment of issues to do with all aspects of residential amenity.

Residential Amenity – Future Occupants

- 10.5.4. The proposed development comprises 112 apartments in a build to rent (BTR) format, and as such the Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and the minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The County Development Plan has no policies in relation to BTR. Conventional build to sell apartments must comply

with a wide range of SPPRs, however, BTR schemes do not have to meet all Apartment Guideline criteria and have a different set of requirements in the interests of accelerating the delivery of new housing at a significantly greater scale than at present. The two apartment blocks are set within an infill site at the edge of suburban development and a public park. A central courtyard area separates blocks A and B with a distance of at least 21 metres at the closest point with a widening out effect towards the southern portion of the site. BTR format residential amenities are located at the lower ground floor of each block.

- 10.5.5. The proposed development provides for BTR units and the applicant has stated that in order to safeguard higher standards, the proposed units exceed the requirements for conventional build to sell units. I have assessed the proposed BTR scheme against the respective requirements as set out in the Apartment Guidelines.

Build-to-rent (BTR)

- 10.5.6. Specific Planning Policy Requirement 7 (SPPR 7) requires that the proposed development is advertised as such in public notices, this has been done by the applicant. SPPR 7 requires restrictions in relation to ownership, operation and sale for a period of 15 years, this can be conditioned if permission is granted. The second part of SPPR 7 refers to detailed proposals for supporting communal and recreational amenities. These elements are split in to two categories, as follows:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

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

- 10.5.7. The proposed development includes amenities in the form of lounges, games area, dining area, co-working area and multi-purpose/fitness area. In terms of facilities, lobbies, concierge, mail rooms and waste facilities are provided. I note that laundry facilities are not provided and this is because washing machines can be accommodated in every apartment. Appendix C of the applicant's Housing Quality

Assessment sets out a table showing floor areas and locations for all of these supporting facilities and amenities. A total of 319 sqm of internal floorspace is set aside for these supports and this works out at 2.8 sqm per BTR unit.

10.5.8. The proposed support facilities and amenities are located within each block towards the Leopardstown Road and at ground level. This means that each future occupant would have easy access to amenities as they are needed. Outdoor spaces such as communal and public areas provided in the form of courtyards, and the wider public open spaces are adequately provided. I am satisfied that the quantum and quality of shared amenity space and facilities are of a satisfactory quality and will provide a comfortable living environment for future occupants, the requirements of SPPR 7 are met.

10.5.9. SPPR 8 relaxes certain requirements that build to sell apartments must meet, as follows:

- No restrictions on dwelling mix
- Flexibility in relation to storage, private amenity space and communal amenity space; on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.
- Minimal or significantly reduced car parking provision and a strong central management regime to establish and operate shared mobility measures.
- The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply.
- The requirement for a maximum of 12 apartments per floor per core shall not apply, subject to overall design quality and compliance with building regulations.

10.5.10. The applicant states that the BTR proposal provides 72 one bed apartments and 40 two bed apartments. The planning authority have a preference for more three bedroom units and some observers are against build to rent units. The common complaint is that such a preponderance of one and two bedroom units will mean a transitory population. Build to rent is a relatively new form of tenure, not significantly different to conventional apartment letting agreements. However, build to rent tenure

is secured by a highly developed management regime focused on residents. To quote the 2020 apartment guidelines – build to rent types of housing developments also have a potential role to play in providing choice and flexibility to people and in supporting economic growth and access to jobs here in Ireland. They can provide a viable long term housing solution to households where home-ownership may not be a priority, such people starting out on their careers and who frequently move between countries in the pursuance of career and skills development in the modern knowledge-based economy. Clearly, the guidelines see build to rent proposals as another form of accommodation opportunity for people who have specific needs and requirements not always provided for by the conventional rental sector.

10.5.11. I note the planning authority's desire for a wider mix of units and that it forms part of their second reason for refusal. Section 8.2.3.3(iii) of the development plan seeks a lesser proportion of one and two bedroom units as proposed by the applicant. In this respect, the development plan states that 'apartment developments should provide a mix of units' and this in my mind provides a certain amount of flexibility in the plan for alternate proposals. Consequently, I also note that the prevailing housing stock already in the area provides for mostly three and four bedroom housing units and so the introduction of an alternative form of development (one and two bedroom units) provides more choice for would be residents. There are no restrictions on dwelling mix in BTR schemes, the proposed development is broadly in accordance with the development plan and complies with the requirements of the Apartment Guidelines, SPPR 8(i) is met.

10.5.12. The majority of the proposed BTR units meet and in some cases, exceed the standards set out in relation to storage and private amenity space. All units will have a maximum of 3.5 sqm of storage space and this is acceptable. All of the proposed apartments in the scheme have their own private amenity space in the form of balconies or ground floor terraces. All balconies and terraces meet or exceed the minimum requirements of the guidelines and development plan.

10.5.13. I am satisfied that adequate amounts of storage and private amenity space has been provided for all apartments, I find that SPPR 8(ii) is met. I am satisfied that the overall quality of the facilities provided are satisfactory and that residents will enjoy an enhanced overall standard of amenity.

10.5.14. The site is located in an accessible urban location and so reduced car parking is proposed (ratio of 0.50 per unit throughout the entire development). In addition, an Outline Travel Plan sets targets to achieve sustainable travel patterns. This is acceptable, I find that SPPR 8(iii) is met. I acknowledge that the planning authority are not satisfied that adequate levels of car parking have been provided and this forms the basis for their first reason for refusal. Local observers are also not satisfied that car parking will be contained on the site. I examine car parking in greater detail under the traffic and transport section and material contravention section of my report.

10.5.15. The applicant states that all apartments meet the minimum floor standards, and in some cases exceed the minimum floor area by 10%, the latter is not a criterion of BTR. The applicant has submitted a Schedule of Areas and Housing Quality Assessment. In summary, of all the apartment units proposed, it is stated that 48 units are larger than the 10% over minimum required by the guidelines, this amounts to 43% of the total number of units proposed. All other units exceed the guideline floor areas by at least 5%. I have interrogated the schedule of floor areas presented by the applicant and found these figures to be accurate. The proposal therefore meets the requirements of SPPR 8(iv) and in addition mostly meets the requirements of SPPR 3 (Minimum Floor Areas).

10.5.16. Finally, SPPR 8(v) relaxes the requirement for a maximum of 12 apartments per floor per core, subject to overall design quality and compliance with building regulations. The applicant shows that block A provides 16 units per core and that block B provides 12 units per core. The lift/stair core is centrally located, the lobby area is large and well-lit with relatively short run corridors to access units, this is acceptable and in accordance with the principle of good design.

10.5.17. The proposed BTR component of the planned scheme meets the requirements of SPPR 7 and 8. The remaining SPPRs associated with all apartments (BTR and build to sell) still apply. The remaining portion of my assessment with regard to BTR includes those SPPRs that apply, as follows:

10.5.18. Dual Aspect Ratios (SPPR 4) – 112 BTR units comprise the proposed development, the Schedule of Accommodation submitted by the applicant shows that 62 (55%) of these units are dual aspect. SPPR 4(i) requires that a minimum of

33% of dual aspect units will be required in accessible locations close to high quality public transport. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. The proposed development is located at an accessible urban location and this is demonstrated by the Transport and Traffic Assessment and confirmed by the initiatives contained within the Outline Travel Plan. Road, footpath and cycle networks are located alongside the site, bus routes pass along Murphystown Road and the Glencairn Luas stop is 550 metres to the east. In either case, 33% or 50% dual aspect, the applicant has adequately met SPPR 4(i) and (ii).

10.5.19. The planning authority are critical of the design of some apartments and consider that true dual aspect is not achieved because corner windows should be discounted from the overall total. In addition, the planning authority cite the lack of adequate dual aspect units as the basis for their second reason for refusal. The applicant's Architectural Design Statement sets out dual aspect on pages 10, 11 and 12, and describes in detail the design rationale for achieving dual aspect in units. There are no single aspect north facing apartments. I find that the provision of a substantial living room projection and corner window achieves the principle of dual aspect adequately and I am satisfied that the residential amenity of each unit is enhanced by dual aspect orientation in 55% of cases. This conclusion is underlined further by the favourable results advanced by the applicant's Sunlight/Daylight assessment in terms of the average daylight factor for all units. Finally, with regard to dual aspect the county development plan states 'apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments', such an expectation can be relaxed on a case-by-case basis where an applicant can demonstrate, to the satisfaction of the Planning Authority, that habitable rooms of single aspect units will be adequately served by natural light and/ or innovative design responses are used to maximise natural light. In this instance, the applicant has submitted a sunlight/daylight analysis that returns favourable results, large balconies are proposed and large glazing areas draw in acceptable levels of daylight. In any case I am satisfied that dual aspect has been satisfactorily achieved in most cases.

- 10.5.20. Floor to ceiling heights (SPPR 5) – the floor to ceiling heights in the apartment blocks range from 2.7 metres at ground floor level, and 2.575 metres on the upper levels which exceeds the minimum requirement of 2.4 metres. SPPR 5 is adequately met.
- 10.5.21. Lift and stair cores – between 12 and 16 units are served by a lift/stair core and this is acceptable, SPPR 6 of the guidelines is not a requirement for BTR.
- 10.5.22. Building Lifecycle Report - I note that the Apartment Guidelines, under section 6.13, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 10.5.23. Overlooking/Privacy - The planning authority have not raised an issue in relation to the proximity of units and privacy concerns, observers have not raised issues in terms of the design of apartments. The overall layout comprises two opposing blocks that are over 21 metres at the closest point and then widen outwards to the southern portion of the site. The development plan states that 22 metres separation distance will normally apply in the case of apartments up to three storeys in height, but reduced distance may be acceptable. More than 19 metres separates both blocks from the gable walls of adjacent dwellings with over 23 metres to the open gable of a large dwelling at Leopardstown Rise. Overall and in an urban context a distance of up to 23 metres is acceptable from a privacy perspective and in the case of this scheme the intervening spaces comprise pedestrian footpaths, parking and landscaped margins, I anticipate no loss of privacy or undue overlooking. Given the urban setting and the opportunities for dual aspect that have been taken advantage of by the designer, I am satisfied that the proposal is acceptable and will not compromise residential amenity, in terms of privacy, for future occupants.
- 10.5.24. Noise – I note that the planning authority have cited the negative impacts caused by the road traffic noise from the M50 to the north in their second reason for

refusal. It is the lack of mitigation measures to counter the possible impact of traffic noise that is seen as a problem. The applicant has submitted a Noise Impact Assessment, prepared by RSK Ireland Limited. The report finds that noise emissions from the M50 can be adequately dealt with by:

- Provision of glazing with minimum sound insulation properties as outlined in section of the report.
- Provision of acoustic attenuation to ventilation systems for dwellings exposed to the highest levels of road traffic noise.

10.5.25. The report does not appear to detail specific measures to deal with the likelihood of noise impact from the M50, but rather refers to general and broad statements as to what can be done. I am satisfied that an appropriate condition can be attached to ensure that the impact of noise will not affect the residential amenity of future occupants.

Sunlight/Daylight Analysis – future occupants

10.5.26. In order to achieve high standards of design the County Development Plan states that a range of criteria should be considered including a consideration of sunlight/daylight standards. Section 6.6 of the Apartment Guidelines and the Section 3.2 criteria under the Building Height Guidelines (SPPR 3) refers to considerations on daylight and overshadowing. When taking into account sunlight and daylight analysis the guidelines refer to the Building Research Establishments (BRE) and BS standards/criteria for daylight, sunlight and overshadowing. The applicant has submitted a Daylight, Sunlight and Shadowing Assessment prepared by Parkbourne Consulting Engineers. It is my view that the proposed development is broadly in accordance with development plan policies in relation to residential amenity, note the material contravention section of my report below. I do not rely on the SPPRs of section 28 guidelines to rationalise the proposed development but I do utilise the advice provided by the guidelines in relation to my general assessment on sunlight and daylight analysis.

10.5.27. According to the applicant's report, the proposed development was analysed based on the following best practice guidance documents & codes of practice:

- BRE guide 'Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice', 2011, IS EN 17037 (2018): Daylight in buildings
- BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.

The applicant states that the results of their study satisfy all the recommended values and the living spaces and outdoor spaces will provide a pleasant sunlit experience. An analysis was also performed on the impact to surrounding developments by the proposed scheme with the impact categorised as negligible.

10.5.28. The applicant chose to test all residential rooms across the proposed development. Within the applicant's report, section 3.1.3 *Analysis Results*, shows Average Daylight Factor (ADF) results for all rooms tested, none fall below 2.0, figures 1 to 9 detail the floors and rooms tested. The applicant explains that BS 8206-2 Code of practice for daylighting gives minimum values of ADF for residential units:

- ADF=2.0% for kitchens
- ADF=1% for bedrooms.

The kitchens in the apartments are at the rear of the space from the window wall. To provide a layout of multiple one and two-bedroom apartments means that a small integrated kitchen is inevitable, all kitchens are directly linked to a well daylit living room. The entire development was tested except for the resident amenities at ground floor level, these are not considered to be private dwelling rooms.

10.5.29. According to the applicant's report, all apartments not only meet but exceed the ADF target set out by industry wide best practice (BRE/BS guidelines). I can see that kitchens were combined with living rooms and the lowest figure returned by any apartment was 2.29% for a kitchen/living room (unit B305, block B).

10.5.30. The planning authority present figures to show that a high proportion of living/kitchen/dining room spaces (LKDs) failed to achieve the daylight distribution standard but raise no specific issue. Specifically, I note that the planning authority highlight that out of 299 LKDs assessed, 48 fall below the daylight distribution standard (80% floor area) and that the 183 LKDs assessed for sunlight 50% fail to meet the standard. I find it difficult to reconcile these figures as I can see that 264 rooms were tested, of which 112 were LKDs and all LKDs achieved an ADF of

greater than 2.0%. No rooms failed to achieve the desired standard of 2.0% for living/kitchen/dining room spaces and 1.0% for bedrooms. I have interrogated the results presented by the applicant and find them to be accurate. The site is large, the apartment blocks are well positioned and aligned to maximum daylight penetration, it is not surprising that every habitable room returns a good ADF result.

10.5.31. Where daylight, as measured by the %ADF is below the target provided for in the technical guidance, the guidance allows for changes to the design (providing extra windows, roof lights or light pipes, or changing room layout) to meet the guidelines, and it is further noted that amenity features such as balconies which may reduce ADF should still be facilitated and their impact on ADF noted. I note that the Building Height Guidelines, similar to the approach taken in the BRE/BS documents, also state that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this can be acceptable, but that where the requirements are not met it must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, and justification for the proposal in this regard must also be set out. I am satisfied that the applicant has provided a floorplate design that allows for very good levels of daylight penetration and so compensatory design features are not necessary. Nevertheless, I note that in all cases, a balcony has been provided and glazing proportions are generous. This combined with a high dual aspect ratio, means that acceptable levels of daylight are achieved.

10.5.32. Section 4 of the applicant's report refers to an assessment of direct sunlight access available to proposed accommodation. The report clarifies that a room which receives good levels of skylight, but poor levels of sunlight, can still be expected to maintain a pleasant and bright appearance for most parts of the day. In recognition of the secondary importance that sunlight plays in the provision of internal daylight amenity, a lenient and flexible approach can be adopted when interpreting the significance of sunlight results. This approach is advocated within both the BRE Guide and BS 8206. Further to this it is important to note that the BRE guidance recognises that it is not realistic for every unit within an apartment block to achieve full compliance with sunlight standards.

10.5.33. Sunlight access is assessed with respect to a measure called Annual Probable Sunlight Hours (APSH). Section 4.1 of the applicant's report details the results of the APSH assessment and I can see that after a flexible interpretation of

the guidelines (0.8 ratio) for annual probable sunlight hours, acceptable results are found in all cases. Specifically, 82 out of 112 units conform with a strict interpretation of guidelines for annual probable sunlight hours and 106 comply when a permissive regime is applied. The applicant's report does not discuss what a strict and permissive regime is in quantitative terms, but I am satisfied that when combined with good ADF results, the relative ASPH figures are acceptable.

10.5.34. In terms of sunlight to amenity areas within the development I note that the majority of areas receive the requisite 2 hours of sunshine on March 21st with none receiving less, this is acceptable, figures 13 and 14 refer. The BRE Guidelines recommend that for a garden or amenity appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on March 21st and this has been met in the proposed development.

Future Residential Amenity – Conclusion

10.5.35. Overall, I am satisfied that the internal standards have been met by the applicant and each apartment unit, on its own, is of a high quality. The separation distances between each block are satisfactory and the intervening amenity spaces are enough to ensure a high quality living environment for all apartment units, and therefore the principle objectives of the Apartment Guidelines and Development Plan are met.

Residential Amenity – Existing Properties

10.5.36. It is stated by the applicant that the proposed site layout has been designed to take account of existing property at the edges of the site. According to the Architectural Design Statement, the setback, orientation and geometry of proposed buildings have all been arranged to respect neighbouring property. Existing dwellings at Leopardstown Rise and 'Carraig' along Leopardstown Road have been selected for detailed examination in section 01 Context, of the design statement. The planning authority are satisfied that the proposed layout and position of blocks has satisfactorily protected existing residential amenity because of adequate separation distances achieved, there will be no overshadowing and overbearing impact. Observers have been critical of the overall height of the proposed development from a visual amenity perspective and there is no strong opposition to the loss of privacy or other amenity from adjacent property.

10.5.37. The applicant has positioned blocks A and B away from the eastern and western side of the site in order to respect neighbouring property. The County Development Plan states that a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, this standard results in adequate levels of rear garden space and is not so much a measure of privacy. The applicant has provided at least 20 metres and more in most cases and I note that residences at Leopardstown Heights gable onto block A, this is acceptable. In some cases the separation distance between apartments and housing is greater as the angle of each block is broken in the middle. In addition, the relative height difference between apartment blocks and dwellings have been attenuated by a domestic scale and the site topography, three to four storey with a set back behind roof parapet. I am satisfied that given the scale of development proposed and the generous separation distances involved, that the proposed development will not impact upon privacy or present an overbearing appearance as viewed from existing dwellings in the vicinity.

Sunlight/Daylight and Overshadowing – Impact for neighbouring residents

10.5.38. The Applicant has prepared a Daylight, Sunlight and Shadowing Report that makes an assessment of the impact of the development on the surrounding environment and properties, which includes Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH) and sunlighting analysis. The applicant explains that If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffuse daylighting of the existing building may be adversely effected. This will be the case if the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value.

10.5.39. The impact assessment that was carried out studied the potential levels of effect the surrounding existing properties would sustain should the proposed development be built as proposed. The effect on daylight (VSC) to surrounding properties are included in section 2.2 of the applicant's daylight report, acceptable levels of skylight access would be retained in all cases.

10.5.40. Section 2.3 and 2.3.2 looks at APSH and again acceptable levels of sunlight access would be retained, with an APSH percentage greater than the recommended 25% (414 hours). I note that submissions received by the Board have not raised issues in relation to sunlight and daylight impact to existing properties. In summer months, I note that windows on the southern elevation of house H1 at Leopardstown Rise return a reduction in APSH, caused by the proposed development, of less than 4% and this is in accordance with BRE guidelines. Other houses at Leopardstown Rise return similar but better APSH figures and this is acceptable. The other dwelling that attracts attention is 'Carraig', where the south facing living room returns a figure of 73% (without development) to 69% (with development), the reduction amounts to 4%. Predictably, winter months return reduced performance in terms of APSH and the post development results achieve a similar proportion of drop and this is because in all cases the reduction in APSH, caused by the proposed development, is less than 20%. Note that pre-existing conditions also play a role in poor winter APSH, as an example H14 (8 Murphystown Road) W3 and W4 return a pre-development APSH of 21% and 20%. H3 (1 Leopardstown Rise) W11 and W12 returns a figure of 23%. In overall terms I am satisfied that the proposed development will not adversely impact upon the amenities of existing dwellings with respect to sunlight/daylight. To be clear, I do not rely on SPPRs to rationalise the development. In any case I have followed the advice set out by the Development Plan and taken into account a consideration of sunlight/daylight standards and found them to be acceptable.

10.5.41. In terms of sunlighting levels to amenity spaces (gardens), figure 22 illustrates gardens that have been assessed and all return good and acceptable results. This is to be expected given the limited height of the apartments proposed and the relative distance between blocks and garden areas. Finally, most gardens are to be found to the south, east and west of the proposed development, at some distance, where it would be expected that loss of sunlight would not occur.

10.5.42. I note that an observer has singled out issues in relation to sunlight/daylight factors that might affect the Laura Lynn Children's Hospice at Leopardstown Road. No mention is made of the Laura Lynn Children's Hospice in the applicant's documentation, and this is hardly surprising given that the facility is located 1.5 kilometres to the east of the site across the M50 motorway at Sandyford. It is highly unlikely that a building of up to six storeys some 1.5 kilometres distant would have

any impact upon the sunlight/daylight regime at the Laura Lynn Children's Hospice and I would not expect the applicant to create a model to demonstrate this.

Existing Residential Amenity Conclusion

10.5.43. The applicant has prepared a voluminous amount of material to support the proposed development. I note that observers do not object to some sort of residential development on these lands, but highlight that it is the impact from the overall design and scale that will be unacceptable to them. There will be no adverse residential amenity impacts to existing residents that neighbour the development site and this has been demonstrated by the applicant's sunlight/daylight report and other supporting material. In my overall assessment of the proposed scheme, I find that it succeeds in providing a step up to three to five (with setback) storey development which integrates well into the existing neighbourhood.

10.5.44. The applicant has proposed a design and layout that responds well to the particulars of the site and to what recent national planning guidelines and the County Development Plan seek in terms of residential development. I find that here will be no adverse impacts in terms of overlooking and loss of privacy and this is due to the separation distances involved and the urban context of the site. Neither does overbearing impact become a concern because along the site's western and eastern boundary development has been designed to respect in terms of design or separation distances, that of existing property. Contextual elevations submitted with the application illustrate these points. The proposed layout and design of the development is acceptable without amendment. I am satisfied that the proposed development will be an asset to the area and a sustainable extension to an area undergoing change from conventional low-density development.

10.6. Traffic and Transport

10.6.1. The proposed development of 112 BTR apartments will gain vehicular access directly from Leopardstown Road to the north and provide 51 surface car parking spaces. Pedestrian and cycle access is available on the northern section of the site and a new pedestrian north/south connection will link Mount Eagle Green to the south with the Leopardstown Road. The planning authority are broadly satisfied with these access arrangements and recommend some technical adjustments should

permission be granted. The applicant has prepared a Traffic and Transport Assessment (TIA) to provide the rationale for the scope of development proposed.

- 10.6.2. Parking - The applicant proposes a total of 51 surface car parking spaces with five of the spaces provided proposed to be designated to a car sharing club. The applicant has calculated that the proposed development should provide a maximum of 112 parking spaces. With 51 parking spaces proposed, the development is 61 spaces below the required level of parking outlined in the development plan. Observers note this shortfall and fear that overspill car parking will result, leading to traffic problems and inconsiderate parking. The planning authority also note the shortfall in car parking, and this forms the basis of their first reason for refusal that states the quantum of car parking spaces proposed materially contravenes the standards established by Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- 10.6.3. The TIA states that the undersupply of car parking spaces is acceptable and while the proposed parking provision is below that required, due to the provision of additional bicycle parking facilities, the location of the development near good public transport corridors and the proposed implementation of a Travel Plan which will promote the benefits of sustainable modes of transport to reduce car use, it is considered that the development provides sufficient parking for residents of the development.
- 10.6.4. The applicant points out that section 8.2.4.5 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 prescribes minimum standards for the quantum of car-parking spaces. The applicant has calculated that this would result in a requirement for 132 spaces, but 51 spaces are proposed. The applicant asserts that the shortfall in car parking space provision is justifiable in the context of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 that states 'Central and/or Accessible Urban Locations' can accommodate a reduced provision of car parking. In addition to this, SPPR 8 of the Apartment Guidelines (2020), notes that for proposals that qualify as specific BTR development, 'There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services.' In order to further rationalise the under provision of car parking the application states that five car club parking

spaces will be on site, it is anticipated that due to the subject site's location, the provision of a total of 51 car parking spaces (46 regular and 5 car club) will adequately facilitate the number of private car journeys generated by the proposed development. Finally, the adherence to the aims and objectives of the Outline Travel Plan prepared by the applicant, the under provision of car parking is acceptable.

10.6.5. In terms of car parking generally and apartment development I am minded by the Apartment Guidelines advice under SPPR8 (ii) that states that there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures. The subject site exhibits these characteristics, it is located 550 metres from the Glencairn Luas stop and the scheme will have a strong central management regime as illustrated by the Outline Travel Plan submitted with the application. This site is well located and so a reduced car parking quantum can be contemplated if properly managed. I examine car parking in more detail in terms of the development plan under the material contravention section of my report below.

10.6.6. Connections - The proposed layout will plug into existing street, footpath and cycle infrastructure. On the northern side of the site, a technically simple connection to the street network is proposed. The planning authority recommend technical conditions in relation to same. On the southern side of the site, the applicant proposes connection to a public park and this will provide a permeable link through to the Leopardstown Road. The planning authority welcome the link and recommend a special contribution condition to offset works required and the reliance of the development on this public open space. The provision of a pedestrian linkage through the site is a positive proposal, however, some observers are concerned that antisocial behaviour may result and that a security gate should be installed and closed at night. The applicant proposes a security gate. The planning authority disagree and require that no gate be installed and access be permitted all day every day. I agree that access through the site should be maintained unhindered and a condition should reflect this.

10.6.7. The applicant has prepared a Traffic and Transport Assessment, neither the planning authority nor observers raise any particular concern over its findings other than car parking related issues and car ownership generally. Some observers note that the Luas service is oversubscribed and that traffic congestion will increase when taken together with other developments in the area. I see no particular issues to query in relation to the TIA, this is an urban site, plugging into streets and junctions that have been designed to accommodate development that has been planned for. I am satisfied that the existing road network can accommodate the quantum of development proposed and that high frequency and high capacity public transport such as the Luas is located just over 500 metres away from the site. Closer to the site, bus services are available and the lands are just over a kilometre from the Sandymount Business Park to the north.

10.6.8. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities, such as schools, playing pitches and a new commercial/retail centres. Current public transport options are located nearby with the Glencairn Luas stop 550 metres to the east and medium frequency bus services along Murphystown Way. In addition, there are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that most of the ingredients are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of a mobility management plan and car parking strategy to be submitted by the applicant.

10.7. Infrastructure

10.7.1. Drainage - The Engineering Planning Report submitted with the application outlines in detail the surface water management strategy proposed for the site. In summary, there is an existing 225mm diameter uPVC surface water pipe running along the site northern boundary and there is an existing 300mm diameter uPVC surface water pipe running on the south side of Leopardstown Road. The proposed development will avail the existing 225mm uPVC surface water drainage network at the northern boundary of the site.

- 10.7.2. The applicant has prepared a site specific Flood Risk Assessment, the site is located in flood zone C. The FRA concludes that the development is considered to have the required level of flood protection. The development will not result in an increased flood risk to surrounding properties but will reduce flood risk.
- 10.7.3. The planning authority concur with the surface water and flood risk strategy proposed by the applicant. Standard and technical conditions are recommended if permission is granted. I am satisfied that detailed aspects to do with surface water drainage can be managed by way of an appropriate condition.
- 10.7.4. Finally, the site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. In this respect, in order to accommodate the proposed connection to Irish Water network, upgrade works are required at the Leopardstown Road bifurcation chamber to utilise the existing storage at Burton Hall Road and limit flow by installing a 200mm diameter hydrobreak orifice. IW advise that the developer is required to enter into a connection agreement in advance of commencement of development to facilitate the design and delivery of these works that are not expected to require third party consents or permissions outside of the requirement for a Road Opening Licence, from the appropriate Authority. In terms of water supply, a new connection to the network is feasible based on connecting to the existing 150mm main to the North East of the site. Finally, IW state that there is available capacity in IW networks for the proposed development, technical and standard conditions are recommended if permission is granted. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition.

10.8. **Material Contravention Statement**

- 10.8.1. The applicant has prepared a material contravention statement that addresses the possibility that the proposed development could materially contravene the following three aspects of the Dun Laoghaire Rathdown County Development Plan 2016-2022:
- Car Parking
 - Building Height
 - Dual Aspect

- 10.8.2. The applicant has advanced a cautious approach as to what parts of the County Development Plan the proposed development could potentially contravene. The applicant's material contravention statement addresses three areas of the statutory plan that could be breached, car parking, building height and dual aspect. The planning authority note that the level of car parking falls below the plan standards, the proposed height complies with the plan's height strategy and that the dual aspect ratio falls below the 70% expectation of the plan. Observers have concerns about the height of the proposed scheme and seek to have the top storey removed.
- 10.8.3. The County Development Plan sets out a range of policies and objectives, some of which aim for the achievement of a quality built environment and the application of development standards plays an important role in ensuring successful and sustainable new developments. In this instance, Chapter 8 *Principles of Development* of the County Development Plan and specifically section 8.2 lays out the types of standards that should be applied when assessing development proposals. For example, Policy UD6 sets out a building height strategy informed by appendix 9 of the plan, car parking is led by standards contained in table 8.2.3 and dual aspect expectations are outlined in section 8.2.3.3.(ii).
- 10.8.4. The development plan states that the provision and protection of residential amenities is a primary concern of the Council and section 8.2.3 refers to residential development. In this context, the plan states that standards for residential developments are set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2007). These apartment standards have been revised by newer versions in 2015, 2018 and most recently in 2020, but are directly applicable to the proposed development. The planning authority acknowledge that the Apartment Guidelines have been revised since the coming into force of the 2016 Development Plan and an advisory note at the start of Chapter 8 explains the existence of the 2015 update. With this in mind, I have approached the issues raised by the applicant in their Material Contravention Statement under the advice provided by the Development Plan when considering whether the proposed development materially contravenes the plan or not. In my assessment I have applied the guidance extended by the statutory plan when applying the development management principles and where they are not met I examine any alternative, compensatory design solutions advanced by the applicant.

- 10.8.5. In the following sections of my report, I address the three items raised by the applicant as possible material contraventions of the County Development Plan. I address each of these elements in the following sections of my report.
- 10.8.6. **Car Parking** – The applicant points out that section 8.2.4.5 of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 prescribes minimum standards for the quantum of car-parking spaces. The applicant has calculated that this would result in a requirement for 132 spaces, but 51 spaces are proposed. The applicant asserts that the shortfall in car parking space provision is justifiable in the context of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 that states ‘Central and/or Accessible Urban Locations’ can accommodate a reduced provision of car parking. In addition to this, SPPR 8 of the Apartment Guidelines (2020), notes that for proposals that qualify as specific BTR development, ‘There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services.’ In order to further rationalise the under provision of car parking the application states that five car club parking spaces will be on site, it is anticipated that due to the subject site’s location, the provision of a total of 51 car parking spaces (46 regular and 5 car club) will adequately facilitate the number of private car journeys generated by the proposed development. Finally, the adherence to the aims and objectives of the Outline Travel Plan prepared by the applicant, the under provision of car parking is acceptable.
- 10.8.7. The planning authority disagree and are concerned that a shortage of car parking spaces will lead to overspill car parking, a concern shared by local observers too. The planning authority see the under provision of car parking as a material contravention of the development plan and this reasoning forms the basis for their first reason for refusal. The applicant notes that the proposed undersupply of car parking could materially contravene the development and has suggested a rationale why it would be acceptable.
- 10.8.8. In terms of car parking I note that the Apartment Guidelines (2020), state that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. In the context of this site, I consider it to be an accessible urban

location by virtue of the site's proximity to the Glencairn Luas stop and bus routes available along Murphystown Way. In such a circumstance a higher density development such as is proposed that is well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. In addition to this general advice with regard to car parking, I note that Build to Rent (BTR) proposals are targeted by Specific Planning Policy Requirement (SPPR) 8 (iii) that states: there shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures. The proposed development site is close to a light rail stop and an Outline Travel Plan has been prepared.

10.8.9. Section 8.2.4.5 of the development plan relates to car parking standards. The standards are stated to be a guide on the number of required spaces acceptable for new developments. It is stated that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of Smarter Travel, the Government policy aimed at promoting modal shift to more sustainable forms of transport. The statutory plan also states that in very limited circumstances, the Council may also consider the development of car-free housing on suitable small-scale sites with high levels of public transport accessibility, convenient and safe access to local shops and community facilities and/or are located very close to Town Centres. The subject may not fit all these exceptional circumstances but the development plan states that reduced car parking standards for any development (residential/commercial) may be acceptable dependant on a number of criteria listed including:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.

- Appropriate mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

10.8.10. In this instance the site is located close to the high density commercial/business area of Sandyford Business Park, a high frequency and high capacity light rail stop is located just over 500 metres to the east, the BTR nature of development and an Outline Travel Plan has been submitted. The proposed development meets many of these criteria and should therefore be considered for a reduced provision of car parking. I note that section 8.2.4.5 states that 'car parking standards provide a guide on the number of required off-street parking spaces acceptable for new developments'. This means that in practice when a planning authority is assessing the requirement for car parking the figures provided by the development plan are meant as a guide, not an inflexible standard. The reduced car parking criteria listed under section 8.2.4.5 of the plan provides the basis for flexibility and in my opinion in the circumstances of under-provision, a contravention of the development plan does not occur. This view is borne out by other recent SHD permissions in the area where car parking was below development plan standards for similar reasons as the subject proposal and no mention of a material contravention of the plan was raised by the planning authority, file reference numbers ABP-307415-20, ABP-308227-20 and ABP-309828-21 all refer.

10.8.11. In this context, I consider that a guided approach to the provision of car parking spaces is appropriate and in accordance with the development plan's inherent flexibility towards car parking provision calculations based upon the locational attributes of the site, namely, proximity to a high density commercial/business area, public transport, the character of development (BTR) and the submission of an outline Travel Plan. I do not consider that the proposed development materially or otherwise contravenes the development in the matter of car parking provision, however, should the Board take the alternate view, national

policy and specifically SPPR 8(iii) of the Apartment guidelines would apply. The proposed development meets the development plan guide for reduced car parking by meeting many of the circumstances described under section 8.2.4.5.

10.8.12. **Building Height** – the applicant states that the height of Block A is 6 storeys with setback, and Block B is 5 storeys with setback, this accords with the upward modifiers outlined in Appendix 9 of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022. The proposed development is in line with the County’s Building Height Strategy. The applicant considers it appropriate to assess the building height of the proposed development within the parameters of ‘Residual Suburban Areas not included within Cumulative Areas of Control’, as discussed in Section 4.8 of the Building Height Strategy. According to the development plan, the maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered. The factors that may allow for this are known as ‘Upward or Downward Modifiers’. The applicant has provided a detailed assessment of the ‘Upward or Downward Modifiers’ and concluded that the proposal is acceptable. The planning authority agree with the approach used by the applicant and see no significant issues with the proposed heights, no contravention of the development plan is suggested by the planning authority. Observers are concerned about height at this location, but not in the context of the development plan and any matter concerning material contravention of same.

10.8.13. The Dun Laoghaire Rathdown County Development Plan provides a very detailed building height assessment methodology based upon factors that might allow a variation to the blanket height maximum of 3-4 storeys across the county, known as upward and downward height modifiers. The planning authority identify two upward modifiers that would allow the development as proposed, the topography of the site and the overall site area. These two upward modifiers allow the planning authority to support the proposed building heights and no material contravention of the development plan is identified in this instance. I agree with the way the planning authority have applied their own development plan height strategy tool to this site. I do not see any material contravention of the development plan with respect to building height. Other residential and amenity issues that concern the height of the

proposed development, such as they are, are discussed in the relevant sections of my report above.

- 10.8.14. **Dual Aspect** - The applicant states that the proposed development comprises 112 apartments with 50 (45%) single aspect units and 62 (55%) dual aspects units. Section 8.2.3.3 (ii) of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022 states that:

Apartment developments are expected to provide a minimum of 70% of units as dual aspect apartments. North facing single aspect units will only be considered under exceptional circumstances. A relaxation of the 70% dual aspect requirement may be considered on a case-by-case basis where an applicant can demonstrate, to the satisfaction of the Planning Authority, that habitable rooms of single aspect units will be adequately served by natural light and/ or innovative design responses are used to maximise natural light.

- 10.8.15. The applicant notes that Dual Aspect Ratios are included in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) and these seek between 33% - 50% Dual Aspect ratios dependant on location. The guidelines state that it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible locations. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. In particular, Specific Planning Policy Requirement 4 (SPPR4) part (ii) of the Apartment Guidelines (2020) which states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

- 10.8.16. The planning authority are concerned that the site should support more dual aspect units but do not expressly state that the development plan has been contravened. The second reason for refusal advanced by the planning authority does not state that the development plan has been materially contravened. As before I have outlined how the design principles set out in Chapter 8 of the Development Plan allow for flexibility. In this instance section 8.2.3.3 (ii) states that ‘apartment developments are expected to provide a minimum of 70% of units as dual aspect

apartments' and that 'a relaxation of the 70% dual aspect requirement may be considered on a case-by-case basis where an applicant can demonstrate, to the satisfaction of the Planning Authority, that habitable rooms of single aspect units will be adequately served by natural light and/ or innovative design responses are used to maximise natural light.'

10.8.17. In this context, the development plan allows for flexibility in the design approach to dual aspect units and I explore the design rationale advanced by the applicant under the 'Residential Amenity' section of my report above. In brief, the proposed layout advanced by the applicant is an acceptable form of dual aspect apartment and this is demonstrated by the favourable results in terms of average daylight factor. Even with favourable ADF results, glazing areas are large, floorplans are designed to maximise light penetration and each unit is provided with a balcony area, all of these are additional and not compensatory measures. I am satisfied that the development plan provides a flexible approach to apartment design and dual aspect, so therefore I do not consider that the development plan has been contravened. However, should the Board take the alternate view, national policy and specially SPPR4(ii) of the Apartment guidelines would apply that states in relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply: In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

10.8.18. It has been suggested by a single observer that other policies of the development plan have been contravened, such as density, residential mix and protection/preservation of trees. The planning authority do not hold the same standpoint in relation to their own plan and acknowledge that a flexible approach can be brought to bear when assessing planning applications to ensure good standards of design on a site by site basis. That is the whole point of Chapter 8 of the development plan. In terms of residential mix, the planning authority advise that a greater number of three bedroom units would be preferable but do not state that the proposed development contravenes the plan, I agree. I have dealt with residential density under section 10.3 of my report above, the proposed density does not contravene the plan. As for the preservation/protection of trees, there is no specific tree protection order on the site and in any case, section 8.2.8.6 *Trees and*

Hedgerows of the development plan, looks for tree surveys and plans to incorporate existing vegetation, this the applicant has done.

10.8.19. I am satisfied that the proposed development is in accordance with the county development plan, the applicant's statement of consistency and the report of the Chief Executive refer. Specifically, I am satisfied that the proposed development does not materially or otherwise contravene the development plan with regard to car parking, building height or dual aspect, or any other matter that the development plan provides in terms of a degree of flexibility in residential development design.

10.9. **Other Matters**

10.9.1. Public Notice – Observers and the planning authority have indicated that the public notices for the application referred to the availability of documentation at South Dublin County Council not Dun Laoghaire Rathdown County Council offices. This is a fact, the public notices (newspaper and site notice) have incorrectly cited the offices of South Dublin County Council as one of the locations where the documentation may be inspected, the offices of An Bord Pleanála are also specified. The planning application documentation was also available on line at www.rocklawnsd.ie. In actuality the documentation was available at the offices of Dun Laoghaire Rathdown County Council and the offices of An Bord Pleanála. In any event, it is clear that observers noted this fact and still made submissions within the specified time. I do not note any late submissions and this suggests that all those who sought to make an observation did so without being hampered by the content of the public notice. Notwithstanding, the confusion that might result in relation to the public notices referring to the wrong local planning authority, I am satisfied that there was sufficient availability of documentation to allow observers to meaningfully engage with the planning process. I note that a number of local residents and the Leopardstown Heights Residents Association care of a Planning Consultant made submissions. Whilst the error is regrettable I am satisfied that local and community engagement with the SHD process was not obstructed by the advertised public notices.

10.9.2. Access to documents - Some observers have noted that a number of documents and drawings were not available to download via the applicant's website for the proposed development. My own experience is that some drawings and files could not be

downloaded and this could have been to do with browser selection or the large data size of files. However, I did have available to me all the drawings and accompanying documents (both soft and hard copy) to allow a full assessment of the application. I note that the homepage of the planning application provided a telephone number to call in the case of any issues accessing documents. In addition, hard copy documents were available at the Council offices and at the offices of An Bord Pleanála. Notwithstanding, the confusion that might result in relation to the public notices referring to the wrong local planning authority, I am satisfied that there was sufficient availability of documentation to allow observers to engage with the planning process. This is evidenced by the number and detail of submissions received.

10.9.3. The Regulation of Commercial Institutional Investment in Housing May 2021

Guidelines for Planning Authorities – The new guidelines are brief and concern the regulation of commercial institutional investment in certain housing developments. The purpose of the guidelines is to set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing. The proposed development has been advertised as ‘build-to-rent’ and it is an apartment scheme that does not include own-door units envisaged for sale and the guidelines may not be applicable in this regard.

10.9.4. The Regulation of Commercial Institutional Investment in Housing Guidelines, enables planning authorities and An Bord Pleanála to attach planning conditions that require a legal agreement controlling the occupation of units to individual purchasers, i.e. those not being a corporate entity, and, those eligible for the occupation of social and/or affordable housing, including cost rental housing. In the context of the current planning application that comprises entirely BTR apartment units, it would not be appropriate to attach the condition advised by the recently published guidelines.

10.9.5. Social and Affordable Housing – The applicant has submitted proposals for transfer of 10% of the proposed units to the planning authority, 11 units, all in Block A as follows:

- 7 – one bedroom units
- 4 – two bedroom units

Units are located on the first floor of Block A. The standard Part V requirement of 10% was applicable at the time that the application was being prepared. With regard to the above I note the recent Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.9.6. Childcare facility – The applicant has prepared a Childcare Assessment in order to understand childcare capacity in the area and to provide a rationale for not providing a crèche in the current proposal. The applicant considers that there will be more than sufficient childcare provision in the local area to facilitate the (predominantly 1 and 2 bed) development, without the need for an additional on-site crèche. Observers disagree and suggest that because other developments in the area had to provide a crèche, so should this one. I note that a submission from the County Childcare Committee was sought by the applicant but no observation was made that concern childcare provision in the area or the need for this development to provide such a facility.

10.9.7. The planning authority are satisfied with the applicant's approach to childcare provision and assessment. In accordance with the Apartment Guidelines, I find that the applicant has adequately described the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. I also note that one-bedroom units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms. The proposed development comprises

mostly one and two bedroom units and so the demand for childcare places would be low, I accept the applicant's findings and the requirement to provide a childcare facility as part of this 112 unit BTR scheme development is satisfactory.

10.9.8. Development Contributions – The site lies within the catchment area of the Luas Line B1 – Sandyford to Cherrywood Supplementary Development Contribution Scheme. It would be appropriate to attach a condition that requires the developer to pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning and Development Act 2000.

10.9.9. The planning authority have recommended that in addition to the general development contribution scheme (section 48) that two additional conditions be attached that relate to a special contribution under section 48(2)(c) of the 2000 Act. I deal with this matter in detail under section 10.4 of my report above. Briefly, I am in agreement that a special contribution should apply to the works required to facilitate pedestrian connection to the public park, I do not agree that a pro rata special contribution should apply in relation to the previous improvements made at the park in the past.

10.9.10. Legal – an observer has raised very technical and legal criticisms to do with the material contravention procedure, Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). I do not intend to counter the legal arguments presented in terms of law and I have already addressed material contravention matters, EIA and AA. Instead, I am entirely satisfied that throughout my assessment in relation to the statutory plan and the mechanism for a material contravention, EIA and AA; that all these matters are adequately dealt with and in accordance with the relevant legislation as it stands.

10.10. **Planning Authority Recommendation**

10.10.1. The current County Development Plan notes the following:

'that the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan have been superseded by Ministerial Guidelines 'Sustainable Urban Housing – Design Standards for New Apartments' published by the Department of

Environment, Community and Local Government (DoECLG) on 21st December 2015.

The DoECLG Apartment Guidelines contain certain ‘Specific Planning Policy Requirements’ which became mandatory on foot of the Planning and Development (Amendment) Act 2015 that was signed into law by the President on 29th December 2015. The ‘Specific Planning Policy Requirements’ set out in the DoECLG Apartment Guidelines take precedence over the Dún Laoghaire-Rathdown standards and specifications as set out in Section 8.2.3.3 of the 2016 – 2022 County Development Plan.’

10.10.2. I also note that throughout Chapter 8 of the development plan that various criteria are taken into account to achieve high standards of design and layout, create and foster high quality, secure and attractive areas for living. Nevertheless, the planning authority have recommended that permission for the proposed development be refused for two reasons.

1. The quantum of car parking spaces proposed materially contravenes the standards established by Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, increasing the risk of overspill car parking in adjoining residential areas, which would have a detrimental impact on the road network in the area. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.

10.10.3. Sections 10.5, 10.6 and 10.8 of my report refer to the issue of development car parking standards and the proposed development. I consider that in line with national guidance with respect to BTR schemes and bearing in mind the flexibility offered by the current development plan that a reduced car parking quantum can be considered for this site. I do not agree with the planning authority that the development plan will be materially contravened by an under provision of car parking. The development plan pursues reduced car parking standards for any development dependant on the proximity to public transport and the implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved. The site is located close to a high density commercial/business area (Sandyford Business Park), the BTR nature of development, 550 metres from the Glencairn Luas stop and the applicant has

submitted an Outline Travel Plan; a reduced car parking allocation should be considered.

2. The proposed development comprises an insufficient proportion of dual-aspect units considered the unencumbered nature of the site. Furthermore, the non-provision of 3-bedroom apartments results in the scheme not comprising an adequate housing mix to cater for a variety of housing needs. Furthermore, potential negative impacts caused by the road traffic noise from the M50 in the vicinity have not been successfully mitigated within the scheme as proposed. The combined effects of the aforementioned issues results in the scheme provided an inadequate standard of residential accommodation, and would not contribute to achieving the site's zoning objective, which is to 'to protect and/or improve residential amenity'.

10.10.4. Section 10.5 and 10.8 of my report describes how I am satisfied that the applicant's design rationale to provide more than half of units as dual aspect is satisfactory. A sufficient number of units are dual aspect and none are north facing single aspect. ADF results for all units are satisfactory and I am satisfied that the residential amenity standards for the proposed units are acceptable.

10.10.5. Section 10.5 of my report describes how I am satisfied that the proposed dwelling mix is acceptable. The provision of one and two bedroom units in an area characterised by three and four bedroom houses will offer alternatives for emerging trends in household formation.

10.10.6. Section 10.5 of my report refers to the potential for adverse impacts of noise from the M50 that lies to the north. I am satisfied that an appropriate condition can be attached to address any shortfalls in mitigation measures to deal with road noise and residential amenity.

10.10.7. In summary, I am satisfied that all the elements of the reasons put forward by the planning authority have been adequately addressed by all of the foregoing.

11.0 Screening for Environmental Impact Assessment

11.1.1. The site is an urban brownfield site (zoning objective A 'to protect and/or improve residential amenity') located at the edge of an existing urban area comprising a

combination of apartments and duplex units. The lands comprise disturbed ground, overgrown and with earthen mounds. The proposed development relates to the construction of 112 apartments in two blocks up to six storeys in height.

11.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district.

11.1.3. The proposal for 112 residential units on a site of 0.84 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 12 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

11.1.4. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA Screening Report which includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Architectural Design Statement

- A Site Masterplan and Design Rationale including CGIs
- A Landscape Design Rationale (including tree survey) and Masterplan;
- A Daylight and Sunlight Assessment
- An Ecological Impact Assessment
- An Appropriate Assessment Screening
- A Flood Risk Assessment
- Engineering Services Report
- An Arboricultural Assessment

11.2. Noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account I would note that the following assessments / reports have been submitted.

- Report on Appropriate Assessment Screening has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- An Sustainability Report has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings.
- The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive.
- An Outline Construction and Demolition Waste Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive.
- The submitted Outline Construction Management Plan sets out standards derived from the EU Ambient Air Quality Directive.

The EIA screening report prepared by the applicant has, under the relevant themed headings considered the implications and interactions between these assessments

and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

- 11.3. I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.
- 11.4. Overall, I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations. I note that an observer has made repeated references in their submission to an EIAR submitted with the application and how it is deficient in a number of respects. The applicant did not submit an EIAR and so these erroneous criticisms have not been addressed by me.
- 11.5. Having regard to:
- (a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
 - (b) the site's location close to Sandyford Business Park, close to high frequency and high capacity public transport corridor within an established built up area on lands with a zoning objective A 'to protect and/or improve residential amenity' in the Dun Laoghaire Rathdown County Council Development Plan 2016-2022,
 - (c) the existing use on the site and pattern of development in the surrounding area,

- (d) the planning history relating to the site and the surrounding area,
- (e) the availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,
- (g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction and Demolition Waste Management Plan.

11.6. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form (see appendix A) has been completed and a screening determination is not required.

12.0 Appropriate Assessment

12.1. Legislative Background

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

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

- 12.2.1. 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 appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 12.2.2. The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. The Screening Report has been prepared by Altemar Marine and Environmental Consultancy and is accompanied under a separate cover by an Ecological Impact Assessment. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that given "the distance between the proposed development to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff, it is concluded that the proposed development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of qualifying interests of Natura 2000 sites."
- 12.2.3. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.
- 12.3. Need for Stage 1 AA Screening
- 12.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated

Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

12.4. Brief Description of the Development

12.4.1. The applicant provides a description of the project at page 4 of the Screening Report. The development is also summarised in Section 3 of my Report. In summary, permission is sought for an apartment development comprising 112 units, communal facilities, and car parking on a site of 0.84 ha situated in an urban area of Dublin. The site is in what can be described as an infill site at the edge of existing residential development. The site is serviced by public water and drainage networks. There are existing surface water sewers in close vicinity to the subject site: an existing 225mm diameter uPVC surface water pipe running along the site northern boundary and there is an existing 300mm diameter uPVC surface water pipe running on the south side of Leopardstown Road. The site is a brownfield site that contains heaps of soil and overgrown with vegetation. The site is enclosed by some ad-hoc security fencing. There are no watercourses within or immediately adjoining the site. No Annex 1 habitats were recorded within the application site. No Annex 1 bird species or fauna were encountered during site survey.

12.5. Submissions and Observations

12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and observers are summarised in sections 8, 9 and 10 of this Report. A single submission picks out the AA screening document prepared by the applicant, in legal terms.

12.6. Zone of Influence

12.6.1. A summary of European Sites that occur within the vicinity (15km radius) of the proposed development is presented in the applicant's AA Screening Report (Table 1 on page 21) and appendix B of my report. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest European sites (less than 6 km) are as follows: South Dublin Bay SAC, Wicklow Mountains SAC, South Dublin Bay and River Tolka Estuary SPA and Wicklow Mountains SPA.

- 12.6.2. Table 2 starting on page 22 of the applicant's screening report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The issues examined are habitat loss, noise and disturbance, potential for impacts arising from the spread of invasive species and impacts on water quality and fauna from surface water and wastewater discharges. The possibility of a hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay is identified due to surface water and foul water connections. This is discussed further below.
- 12.6.3. The degree of separation from any European site is great. The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance is excluded due to the lack of suitable habitat for qualifying interests of SPAs and the intervening distances between the site and European sites.
- 12.6.4. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections.
- 12.6.5. With regard to direct impacts, the application site is not located adjacent or within a European site, therefore there is no risk of habitat loss, fragmentation or any other direct impacts. I am satisfied having regard to the nature and scale of the proposed residential development of 112 units on serviced land, the separation distance from European sites, the intervening uses, and the absence of direct source – pathway – receptor linkages, that no Appropriate Assessment issues arise in relation to the European sites listed in table 1 or 2 of the applicant's screening assessment.
- 12.6.6. Any potential indirect impacts on European sites from the development would be restricted to the discharge of surface and foul water from the site. It is noted that the proposed drainage system ultimately discharges to Dublin Bay (post treatment at

Ringsend wastewater treatment plant), where there are a number of European Designations. The qualifying interests/features of interest associated with the European sites closest to the site in Dublin Bay and connected hydrologically via the public surface water and foul sewer network are set out hereunder:

<p>South Dublin Bay SAC (000210)</p> <p>Approx. 4.3 km north of the proposed development</p>	<p>S. Dublin Bay & River Tolka Est. SPA (004024)</p> <p>Approx. 4.3 km north of the proposed development</p>
<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p>	<p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling Dunlin</p> <p>Bar-tailed Godwit</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p>Wetlands & Waterbirds</p>

12.6.7. The conservation objective relating to the South Dublin Bay SAC is ‘To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected’.

12.6.8. The conservation objectives relating to the South Dublin Bay and River Tolka Estuary SPA is ‘To maintain or restore the favourable conservation condition of the

bird species listed as Conservation Interests for this SPA – and - To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.’

12.6.9. Given the distance of 4.3 km between the application site and the European Sites identified within Dublin Bay and the intervening landuses, there is no pathway for loss or disturbance of species listed associated with these European sites or habitat loss, fragmentation or any other direct impacts. There are no ex-situ impacts given the habitats on the site.

12.6.10. With regard to potential for hydrological pathways, via surface and wastewater water flows to Dublin Bay via the Ringsend wastewater treatment plant, additional foul loading to Ringsend WWTP arising from the operation of this project is not considered to be significant given the scale of development proposed. The foul discharge from the site would be negligible in the context of the overall licenced discharge at Ringsend WWTP, thus its impact on the overall discharge would be negligible. The WWTP at Ringsend is operating above its capacity of 1.64 million P.E. (source, Irish Water 2017) with a current operational loading of c. 2.2 million P.E. The WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. The EPA is the competent authority in respect of issuing and monitoring discharge licences and the license itself is subject to the provisions of the Habitats Directive. Despite the capacity issues at Ringsend WWTP the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of ‘unpolluted’ water quality status. Under the WDF 2010-2015, the Tolka Estuary is currently classified by the EPA as being ‘Potentially Eutrophic’. The pollutant content of future discharges to Dublin Bay is likely to decrease in the longer term due to permissions granted for upgrade of the Ringsend WWTP (2019). It is also an objective of the GDSDS and all development plans in the catchment of Ringsend WWTP to includes SUDS within new developments and to protect water quality in the receiving freshwater and marine environments and to implement the WFD objective of achieving good water quality status in Dublin Bay. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the

qualifying interests or special conservation interests of European sites in or associated with Dublin Bay.

12.6.11. There are no surface water features on the site. The installation of surface water attenuation and SUDS systems will ensure that there will be no negative impact to water quality or quantity locally arising from the change in land use from greenfield to residential. I note that the proposed SUDS system is standard in all new developments and is not included here to avoid or reduce an impact to a European site. 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 2000 sites in Dublin Bay 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 2000 sites in Dublin Bay (dilution factor).

12.6.12. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

Conclusion

12.6.13. Having regard to the nature and scale of the proposed development on fully serviced lands, to the intervening land uses and distance from European Sites, and lack of direct connections with regard to the source-pathway-receptor model, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European Sites or any other European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

13.0 Recommendation

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

14.0 Reasons and Considerations

Having regard to the:

(a) the site's location close to Sandyford Business Park, close to a high frequency and high capacity public transport corridor and other local facilities and amenities, within an established built up area on lands with a zoning objective 'A' which seeks to '*protect and/or improve residential amenity*' in the Dun Laoghaire Rathdown County Development Plan 2016-2022;

(b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;

(c) objectives 2a, 3a, 3b, 4, 11, 13, 27, 33 and 35 of the National Planning Framework;

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

(e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

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

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

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

- (i) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government 2020;
- (j) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (k) the nature, scale and design of the proposed development;
- (l) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) The Report of the Chief Executive of Dun Laoghaire Rathdown County Council received from the planning authority;
- (o) the submissions and observations received;
- (p) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2020

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars lodged with An Bord Pleanála on the 14th day of October 2021 by Bridgeclip (Developments) Limited, 2nd Floor, Elm House, Leopardstown Office Park, Sandyford, Dublin 18.

Proposed Development

The proposed development on a total site of 0.84 hectares will consist of 112 residential build to rent (BTR) units in 2 separate blocks, ranging in height from 4 to 6 storeys, the detail is as follows:

Parameter	Site Proposal
Application Site	0.84 hectares
Number of Units	112 units (all apartments), comprising one and two bedroom units.
Density	133 units per hectare (gross)
Dual Aspect	62 apartment units (55%)
Other Uses	None.
Public Open Space	1,638 sqm – 19.5% of the site
Communal / Semi-Private Space	977 sqm (communal courtyard and transitional space)
Tenant Amenity Space	320 sqm of residential amenity space in two dedicated spaces located on the Ground Floor of Blocks A and B, in addition to post and parcel storage facilities; waste storage facilities.
Height	4-6 storeys
Parking	51 car parking spaces (46 spaces and 5 car club spaces)

	176 resident bicycle spaces
Vehicular Access	Via an upgraded access road off Leopardstown Road.
Part V	11 (at Block A comprising 7 one bed and 4 two bed units)

Housing Mix

Unit Type	1 bed	2 bed	Total
Apartment	72	40	112
% of Total	64%	36%	100%

The development also includes a new north/south pedestrian link and upgraded vehicular and pedestrian entrance from Leopardstown Road.

Matters considered

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

Reasons and Considerations

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

(a) the site's location close to Sandyford Business Park, close to a high frequency and high capacity public transport corridor and other local facilities and amenities, within an established built up area on lands with a zoning objective 'A' which seeks to '*protect and/or improve residential amenity*' in the Dun Laoghaire Rathdown County Development Plan 2016-2022;

- (b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (c) objectives 2a, 3a, 3b, 4, 11, 13, 27, 33 and 35 of the National Planning Framework;
- (d) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (g) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ prepared by the Department of Housing, Planning and Local Government 2020;
- (j) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (k) the nature, scale and design of the proposed development;
- (l) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) The Report of the Chief Executive of Dun Laoghaire Rathdown County Council received from the planning authority;
- (o) the submissions and observations received;

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

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated Natura 2000 Sites, taking into account the nature, scale and location of the proposed development within a serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, 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 Environmental Impact Assessment Screening Information Report submitted by the developer which contains the information as set out in Schedule 7A of the Planning and Development Regulations 2001, as amended.

Having regard to:

- (a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the site's location close to Sandyford Business Park, close to high frequency and high capacity public transport corridor within an established built up area on lands with a zoning objective 'A' which seeks to '*protect and/or improve residential amenity*' in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (c) the existing use on the site and pattern of development in the surrounding area,
- (d) the planning history relating to the site and the surrounding area,
- (e) the availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,
- (g) the provisions of the guidance as set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) the criteria as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- (i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline 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 effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Conclusion on Proper Planning and Sustainable Development

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

16.0 Conditions

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

Reason: In the interest of clarity.

2. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

(a) The Applicant shall construct up to the boundary with Leopardstown Heights park a publicly available access point that shall be open and accessible at all times.

- (b) Revised cycle parking facilities that omit a stacked design in favour the Sheffield cycle stand or similar.
- (c) A plan layout drawing demonstrating an appropriate set-down area for delivery (panel van type) and maintenance vehicles within the site.
- (d) Specific glazing mitigation measures within the development in order to keep traffic noise generated from adjacent roads to acceptable levels.

Reason: In the interest of the residential amenity of existing and future occupants of the scheme.

3. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first 'shared living units'/ Build to Rent units within the scheme.

Reason: In the interests of proper planning and sustainable development of the area.

4. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent and shared accommodation scheme. Any proposed amendment or deviation from the Build to Rent and shared accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

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

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

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

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

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

7. Details of any alterations to the road and pedestrian network serving the proposed development, including loading areas, footpaths 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. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

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

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

14. a) Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

15. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.

Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be

submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

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

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

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

Reason: In the interest of residential and visual amenity.

18. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have

been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) and hedges and identified as 'to be retained' on landscape drawings, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees and hedging which are to be retained on the site.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of the trees on the site.

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for

the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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 Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

23. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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 management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge.

Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

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

Reason: In the interest of public health.

28. In relation to the provision of a pedestrian access link and outlined in section 1.6 of the applicant's cover letter dated 14 October 2021, the developer shall pay to the planning authority a financial contribution of €20,000 as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of the provision of measures to integrate the proposed development with adjoining open space and the provision of improved pedestrian facilities and permeability in the area.

Reason: In the interest of local amenities and to secure accessible connectivity for the public from the main public park at Leopardstown Heights to an area of public open space and on to the Leopardstown Road.

29. 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 for Dun Laoghaire Rathdown County Council 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.

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

Reason: To ensure the satisfactory completion of the development.

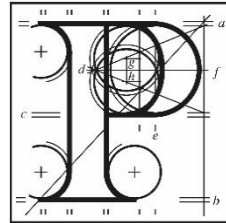
31. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning and Development 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Stephen Rhys Thomas
Senior Planning Inspector

26 January 2022

17.0 Appendix I EIA Screening Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-311669-21
Development Summary		112 dwelling units.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report

<p>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?</p>	<p>No</p>	<p>No</p>
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>Dun Laoghaire Rathdown County Development Plan 2016-2022 subject to SEA and SFRA. And the following:</p> <ul style="list-style-type: none"> • Report on Appropriate Assessment Screening has been undertaken pursuant to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). • An Sustainability Report has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings. • The Flood Risk Assessment addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. • An Outline Construction and Demolition Waste Management Plan has been submitted that addresses requirements under the EC Waste Framework Directive and EC Environmental Noise Directive. • The submitted Outline Construction Management Plan sets out standards derived from the EU Ambient Air Quality Directive.

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration,</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
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		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.			
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	Not significant in scale in context of the wider settlement.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Uses proposed consistent with land uses in the area. Residential zoning applies. Residential use permitted in principle. No changes to topography or waterbodies.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>Operational waste will be managed via an operational waste management plan. Foul water will discharge to the public network. No significant operational impacts anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p> <p>In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to the municipal surface water piped system.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Outline Construction and Demolition Waste Management Plan. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted SSFRA. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Development of this site as proposed will result in an increase in residential units within the urban area of Sandyford/Leopardstown. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No.</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> <p>1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>No</p>	<p>No. Potential for significant effects on Natura 2000 sites has been screened out.</p>	<p>No</p>

<p>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>			
<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, overwintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No habitats of species of conservation significance identified within the site or in the immediate environs.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No significant landscape, historic and archaeological items identified.</p>	<p>No</p>
<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>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<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>	<p>No</p>	<p>There are no open watercourses on the site. The development will implement SUDS measures to control surface water run-off.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>No.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>Residential / community and social land uses. No significant impacts are envisaged.</p>	<p>No</p>

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

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

Stephen Rhys Thomas

Senior Planning Inspector

26 January 2022

18.0 Appendix B: AA Screening Zone of Influence

European Site Name [Code] and Conservation Objective (CO)	Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)
South Dublin Bay SAC [000210]	<p>[1140] Mudflats and sandflats not covered by seawater at low tide</p> <p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[2110] Embryonic shifting dunes</p>
Rockabill to Dalkey Island SAC [003000]	<p>[1170] Reefs</p> <p>[1351] Harbour porpoise <i>Phocoena phocaena</i></p>
Wicklow Mountains SAC [002122]	<p>[3110] Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>)</p> <p>[3160] Natural dystrophic lakes and ponds</p> <p>[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i></p> <p>[4030] European dry heaths</p> <p>[4060] Alpine and Boreal heaths</p>

	<p>[6130] <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i></p> <p>[6230] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>[7130] Blanket bogs (* if active bog)</p> <p>[8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>[8210] Calcareous rocky slopes with chasmophytic vegetation</p> <p>[8220] Siliceous rocky slopes with chasmophytic vegetation</p> <p>[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>[1355] <i>Lutra lutra</i> (Otter)</p>
Knocksink Wood SAC [000725]	<p>[7220] Petrifying springs with tufa formation (Cratoneurion)*</p> <p>[91E0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)*</p>
Ballyman Glen SAC [000713]	<p>[7220] Petrifying springs with tufa formation (Cratoneurion)*</p> <p>[7230] Alkaline fens</p>
North Dublin Bay SAC [000206]	<p>[1140] Mudflats and sandflats not covered by seawater at low tide</p>

	<p>[1210] Annual vegetation of drift lines</p> <p>[1310] <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>[1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>)</p> <p>[1395] Petalwort <i>Petalophyllum ralfsii</i></p> <p>[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>[2110] Embryonic shifting dunes</p> <p>[2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>[2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>[2190] Humid dune slacks</p>
Howth Head SAC [000202]	<p>[1230] Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>[4030] European dry heaths</p>
Bray Head SAC [000714]	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
Glenasmole Valley SAC [001209]	<p>[6210] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>[6410] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p>

	[7220] Petrifying springs with tufa formation (<i>Cratoneurion</i>)
Baldoyle Bay SAC [000199]	[1140] Mudflats and sandflats not covered by seawater at low tide [1310] Salicornia and other annuals colonizing mud and sand [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
Ireland's Eye SAC [002193]	[1220] Perennial vegetation of stony banks [1230] Vegetated sea cliffs of the Atlantic and Baltic coasts
Glen of The Downs SAC [000719]	[91A0] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles
South Dublin Bay and River Tolka Estuary SPA [004024]	[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A130] Oystercatcher <i>Haematopus ostralegus</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A143] Knot <i>Calidris canutus</i> [A144] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i>

	<p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p> <p>[A999] Wetland and Waterbirds</p>
Dalkey Islands SPA [004172]	<p>[A192] Roseate Tern <i>Sterna dougallii</i></p> <p>[A193] Common Tern <i>Sterna hirundo</i></p> <p>[A194] Arctic Tern <i>Sterna paradisaea</i></p>
Wicklow Mountains SPA [004040]	<p>[A098] Merlin <i>Falco columbarius</i></p> <p>[A103] Peregrine <i>Falco peregrinus</i></p>
North Bull Island SPA [004006]	<p>[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i></p> <p>[A048] Shelduck <i>Tadorna tadorna</i></p> <p>[A052] Teal <i>Anas crecca</i></p>

	<p>[A054] Pintail <i>Anas acuta</i></p> <p>[A056] Shoveler <i>Anas clypeata</i></p> <p>[A130] Oystercatcher <i>Haematopus ostralegus</i></p> <p>[A140] Golden Plover <i>Pluvialis apricaria</i></p> <p>[A141] Grey Plover <i>Pluvialis squatarola</i></p> <p>[A143] Knot <i>Calidris canutus</i></p> <p>[A144] Sanderling <i>Calidris alba</i></p> <p>[A149] Dunlin <i>Calidris alpina</i></p> <p>[A156] Black-tailed Godwit <i>Limosa limosa</i></p> <p>[A157] Bar-tailed Godwit <i>Limosa lapponica</i></p> <p>[A160] Curlew <i>Numenius arquata</i></p> <p>[A162] Redshank <i>Tringa totanus</i></p> <p>[A169] Turnstone <i>Arenaria interpres</i></p> <p>[A179] Black-headed Gull <i>Croicocephalus ridibundus</i></p> <p>[A999] Wetlands & Waterbirds</p>
Howth Head Coast SPA [004113]	[A188] Kittiwake (<i>Rissa tridactyla</i>)

Baldoyle Bay SPA [004016]	[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A048] Shelduck <i>Tadorna tadorna</i> [A137] Ringed Plover <i>Charadrius hiaticula</i> [A140] Golden Plover <i>Pluvialis apricaria</i> [A141] Grey Plover <i>Pluvialis squatarola</i> [A157] Bar-tailed Godwit <i>Limosa lapponica</i> [A999] Wetland and Waterbirds
Ireland's Eye SPA [004117]	A017 Cormorant <i>Phalacrocorax carbo</i> A184 Herring Gull <i>Larus argentatus</i> A188 Kittiwake <i>Rissa tridactyla</i> A199 Guillemot <i>Uria aalge</i> A200 Razorbill <i>Alca torda</i>