



An
Bord
Pleanála

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

Inspector's Report ABP-312003-21

Strategic Housing Development

Construct 730 apartments, ancillary residents' facilities, convenience shop, childcare facility and associated development

Location

Lands at Parkside phase 5b, Belmayne Avenue, Balgriffin Park townland, Dublin 13

Planning Authority

Dublin City Council

Applicant

Cairn Homes Properties Limited

Prescribed Bodies

1. Transport Infrastructure Ireland
2. Irish Water

Observers

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25. Elena Bespalova,
26. Emma Hughes,
27. Eoin Robinson,
28. Ferit Sare,

29. Gaurav Virami,
30. Gerard Gilsenan,
31. Giovanni Messina,
32. Heber Henrique Zacchi,
33. Immacolata Balduccelli,
34. Jennifer Eastwood,
35. Kapil Mohan & Others,
36. Karen O'Reardon,
37. Kerem Pencereci,
38. Kevin Delahunty and Meabh
Fitzgerald,
39. Konstantin Lakhontov,
40. Lamiya Basheer,
41. Lara Pomponio,
42. Local Residents of Parkside,
Belmayne & Clongriffin
43. Madhudeep Basu & Others,
44. Matkowska Magdalena,
45. Maloy Chatterjee,
46. Manish Sharma,
47. Manjunatha Ramachandra &
Others,
48. Maria Piromalli,
49. Mayur Patel,
50. Michael Keyes,
51. Mikhail Girkin,

52. Mithun Karmakar,
53. Monica Kumar,
54. Monika Forrest,
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60. Raffaele Sanglovanni,
61. Raghavendraprasad Bharatekke
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62. Rahul Kumar Sinha,
63. Rajesh Kumar,
64. Ramalingam Kannan,
65. Ravinandan Pratap Singh,
66. Revathy Ponniah & Nagarajan
Ramu,
67. Robert Linnane,
68. Robert Tonkin,
69. Rodrigo Botelho,
70. Rosine Elliott,
71. Samik Sen,
72. Sanjay Pahuja,
73. Sarah Rossney,
74. Satishkumar Hanamashetty,
75. Sean Haughey TD,

76. Sharon Hyland,
77. Shivkant Trivedi & Others,
78. Siddharth Chitkara,
79. Srinivas Panchangam,
80. Susan Heneghan,
81. Suzanne Looby,
82. Tenzin Tsultrim,
83. Tom Brabazon,
84. Veronica Trimble,
85. Vikrmaditya Jaiswal,
86. Vlad Lozan,
87. Wing Yin Leung,
88. Yash Purohit.

Date of Site Inspection

27th January 2022

Inspector

Colm McLoughlin

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. Situated 9km to the northeast of Dublin city centre in the emerging communities of the north fringes to the city, the application site primarily comprises undeveloped open lands largely featuring bare ground, as well as a construction compound on the eastern side serving a new road under construction, which I refer to further below. The site measures approximately four hectares and was previously subject of planning permissions for residential development, which I also refer to further below. Belmayne Avenue is situated along the western boundary of the site and the recently constructed residential estates within the Parkside urban cell, are situated on the northern side of the site. A section of a new road running in an east-west alignment and referred to in plans for the area as ‘Main Street’, is currently under construction adjoining to the south of the site, and this road is intended to link Clongriffin town centre with the Malahide Road (R107 regional road). The site boundaries primarily feature a mix of 2m-high security fencing and construction hoarding, while ground levels rise gradually across the site by 3m from the eastern to the western boundaries. A partially-constructed basement that has been backfilled is stated to be situated close to the southwest corner of the site.
- 2.2. The immediate area is primarily dominated by residential uses, as well as emerging services and uses supporting the growing communities of the area. Belmayne Avenue features three to six-storey blocks with commercial units at ground floor, some of which are currently vacant or undergoing fit-out works. Belmayne education campus, consisting of St. Francis of Assisi and Belmayne Educate Together primary schools, is located adjoining to the north of the site off Belmayne Avenue. A section of a cycle and pedestrian route, referred to as the ‘greenway’ route within the application, cuts diagonally through the western portion of the application lands off Belmayne Avenue, connecting with rows of two and three-storey terraced housing

within the Parkside residential streets adjoining to the north of the site. The rear gardens of single-storey cottages located off a turning circle to St. Michael's Cottages adjoin the eastern boundary of the site. Six-storey block 9 of the New Priory apartments is situated on the southeast corner of the site fronting onto Main Street.

3.0 Proposed Strategic Housing Development

3.1. Permission is sought for a period of seven years and the proposed strategic housing development would consist of the following substantive elements:

Demolition Works

- demolition and removal of a partially-constructed filled basement structure;

Construction Works

- the provision of 730 apartments in five apartment blocks (nos.1 to 5) ranging in height up to nine storeys and two duplex blocks (A and B) of three storeys in height;
- the provision of a convenience retail unit, including ancillary café/deli and off-licence area (510sq.m) and a residents' amenity area (672sq.m) at ground and first floor to block 1, a residents' amenity area (492sq.m) at ground and first floor to block 2, a crèche / childcare facility (525sq.m) at ground floor to block 4 and a residents' amenity area laid out as a working hub with 'back-of-house' parcel room (510sq.m) at ground floor to block 5;

Ancillary and Supporting Works

- two vehicular accesses from Main Street to basement and surface-level parking, as well as linking into the existing internal road network serving Walker Grove, Walker Close, Walker Drive, Walker Green and Walker Row;
- vehicular access off the school access road on Belmayne Avenue to surface and basement level parking areas, as well as a turning circle;
- provision of pedestrian and cyclist routes, including opening and upgrading of the greenway route from Belmayne Avenue to Walker Grove;

- a total of 510 car parking spaces, 1,285 cycle parking spaces and 28 motorcycle spaces;
- the provision of hard and soft landscaping, including a public plaza and seating areas at the junction of Belmayne Avenue and Main Street, communal spaces and play areas, boundary treatments, lighting and signage;
- two electricity substations (150sq.m), a bin/bike store (86sq.m) and a bin store/electricity substation/plant room (82sq.m), provision of solar or photovoltaic panels at roof level to the duplex blocks;
- drainage and civils works to facilitate the development, sustainable urban drainage systems (SUDS) and all other associated and ancillary development/works.

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

Table 1. Stated Development Standards

Site Area (excluding roadway)	4.03ha
No. of apartments	730
Part V units (%)	73 (10%)
Residential Gross Floor Area (GFA)	65,606sq.m
Ancillary Residential GFA	1,672sq.m
Total GFA	66,967sq.m
Non-residential GFA (% total GFA)	1,361sq.m (2.0%)
Residential Density	181 units per ha
Communal Open Space	5,308sq.m
Public Open Space (%)	4,675sq.m (11.6%)
Plot Ratio	1.57
Site Coverage	35%

Table 2. Unit Mix

	Studio	One-bedroom	Two-bedroom	Three-bedroom	Total
Apartments	3	315	376	36	730
% of units	0.4%	43.2%	51.5%	4.9%	100%
Bed spaces	3	315	752	108	1,178

Table 3. Maximum Building Heights

Storeys	Height
1 to 9	30.1m

Table 4. Parking Spaces

Car parking – Standard	417
Car parking – Electric-charge	53
Car parking – Universal	28
Car parking – Car club	5
Car parking – Visitor	7
Total Car parking	510
Cycle parking	1,285
Motorcycle parking	28

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

- Planning Report, including a material contravention statement, a statement of consistency and a response to An Bord Pleanála (ABP) opinion;
- Environmental Impact Assessment Report (EIAR);
- Architect’s Design Statement;
- Schedule of Accommodation and Housing Quality Assessment;
- Infrastructure Design Report, including Quality Audit;
- Site Specific Flood Risk Assessment;
- Design Manual for Urban Roads and Streets (DMURS) Design Statement;
- Construction and Environmental Management Plan;
- Traffic and Transport Assessment;
- Mobility Management Plan;
- Landscape Report;
- Bat Assessment;
- Screening Report for Appropriate Assessment (AA);

- Energy Statement;
- Daylight, Sunlight and Overshadowing Study;
- Assessment of Inward Noise Impact;
- Building Life Cycle Report;
- Construction and Demolition Waste Management Plan;
- Operational Waste and Recycling Management Plan;
- Hydrological and Hydrogeological Qualitative Risk Assessment;
- Outdoor Lighting Report;
- Wind and Microclimate Modelling;
- Verified Photomontages.

4.0 Planning History

4.1.1. The applicant and the Planning Authority both provided a detailed chronology of the planning history for the application site and the surrounding area, which I have briefly summarised below.

4.2. Application Site

4.2.1. The initial permission for development on the subject lands, east of Belmayne Avenue and known as Parkside, was granted in November 2004 under ABP reference (ref.) PL29N.207192 / Dublin City Council (DCC) ref. 4315/03). This is referred to as the parent permission for the site. There has been several amendments to this parent permission, as referenced in the applicant's Planning Report, the most recent of which appears to be the grant of permission under DCC refs. 4430/08 and 3992/08 dating from December 2008 and January 2009 respectively, which permitted building blocks generally set around courtyards, including five to six-storey buildings onto Belmayne Avenue and Main Street. In September 2014, the Planning Authority refused to permit an application for Belmayne Ireland Ltd. to extend the life of the permission under DCC ref. 3992/08 (ref. 3992/08/X1).

4.3. Surrounding Area

- 4.3.1. The applicant has referred to an extensive planning history relating to the surrounding lands, including ABP ref. PL29N.131019 (DCC ref. 0354/02) dating from July 2003 providing permission for a mixed-use development primarily comprising 640 residential units, as well as a mix of other uses, on six of the 55 urban cells identified in a framework plan for the area accompanying the application. This permission did not specifically provide for development on the subject site.
- 4.3.2. Recent planning applications relating to the neighbouring Parkside area provided permission for 846 houses in numerous phases of development, the majority of which are completed at this stage, while the remainder are nearing completion. The most recent permission for 96 houses, apartments and duplex units on the adjoining lands to the north of the site, which the applicant refers to as phase 5a, was permitted under DCC ref. 3791/18 in March 2019.
- 4.3.3. At present, the closest strategic housing development applications in the vicinity of the application site include the following:
- ABP ref. 310077-21 - permission was granted by the Board in August 2021 for 260 apartments in an urban block of up to seven storeys in height (22.2m) on a site located approximately 240m to the west of the application site on Main Street;
 - ABP ref. 305623-19 – permission was granted by the Board in February 2020 for 282 residential units in four apartment blocks ranging in height from three to seven storeys located 300m to the north of the application site at the junction of Parkside Boulevard and Balgriffin Park.
- 4.3.4. The following applications relate to schools development on the neighbouring lands:
- DCC ref. 3601/15 – permission was granted by the Planning Authority in May 2016 for two primary schools both containing 16 classrooms, located adjacent to the north of the site;
 - DCC ref. 3009/19 – temporary permission for a five-year period was granted by the Planning Authority in January 2020 for primary and post-primary schools on the opposite side of Main Street to the application site;

- DCC ref. 2600/20 – permission was granted by the Planning Authority in February 2021 for a two to three-storey post-primary school accommodating 1,000 pupils fronting Main Street opposite the application site.

4.3.5. A Part 8 planning application subject of consultation in late 2018 was granted by the Planning Authority (DCC ref.4214/18) to facilitate the construction of Belmayne Main Street from Malahide Road to New Priory, as well as works to neighbouring sections along Belmayne Avenue and at the junction with Parkside Boulevard.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 22nd day of March, 2021, in respect of a proposed development on the application site comprising 767 apartments and associated site works. Copies of the record of this consultation meeting and the Inspector’s report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- consistency with Belmayne Clongriffin Local Area Plan 2012 (as extended), including density, building height and phasing;
- design and layout, including relationship with surrounding developments and plaza details;
- impacts on residential amenities, including the extent and rationale of dual aspect units and the potential for overlooking, overshadowing and daylight / sunlight impacts to arise;
- details of supporting residential facilities and justification for omitting childcare provision;
- matters relating to development quantum raised with Irish Water.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ref. ABP-308950-21) dated the 16th day of June, 2021, An Bord Pleanála stated that it was of the opinion that further

consideration and an amendment to constitute a reasonable basis for an application under section 4 of the Act of 2016 was required. In the opinion of An Bord Pleanála, further consideration and/or justification was required with respect to building heights and scale, residential amenity and childcare provision. Furthermore, in the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- timelines for the delivery of the roads infrastructure;
- feasibility from Irish Water for water and wastewater services to be provided for the proposed development;
- details showing context with existing and permitted adjoining and adjacent developments;
- a visual impact assessment;
- a schedule of public and communal open spaces;
- a housing quality assessment;
- a building lifecycle report;
- a micro-climate analysis;
- an inward noise impact assessment;
- a detailed phasing plan;
- a Quality Audit.

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

- Irish Water;
- Transport Infrastructure Ireland;
- the National Transport Authority;
- Dublin City Council Childcare Committee.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a Planning Report containing a 'Statement of Response to An Bord Pleanála Opinion'. Within this the applicant initially addresses the proposed building heights and scale, asserting that the proposals would be appropriate in response to existing buildings and the planning policy context. With regard to residential amenity the applicant refers to the various studies submitted showing broad compliance with relevant standards. The applicant highlights that the proposed development would include a childcare facility with sufficient capacity to cater for the subject development and wider Parkside developments. The applicant's Planning Report (p.49) outlines the specific application information that has been submitted in response to the Board's opinion, while also detailing how the development is considered to comply with the respective planning requirements.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040, and within this framework Dublin is identified as one of five cities to support significant population and employment growth. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 13 (development standards), 27 (transport alternatives) and 35 (increased densities) relating to densification and compact urban growth.

Ministerial Guidelines

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

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

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

- Climate Action Plan (2021);
- Traffic Management Guidelines (Department of Transport, Tourism and Sport, 2019);
- British Standard (BS) EN 17037:2018 'Daylight in Buildings' (2018);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);

- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

6.2. Regional Planning Policy

- 6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;
- 6.2.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing

delivery to achieve higher densities in built-up urban areas, integrated transport and land use, and the alignment of growth with enabling infrastructure.

6.3. Local Planning Policy

Dublin City Development Plan 2016-2022

- 6.3.1. The application site and all of the adjoining lands have a land-use zoning objective 'Z14 - Strategic Development and Regeneration Areas (SDRAs)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'. The Plan states that these areas have the capacity for a substantial amount of development. Permissible uses in 'Z14' areas include residential uses, childcare facilities, open spaces and neighbourhood shops. There is a requirement for 10% of 'Z14' lands that are to be developed to be provided as meaningful public open space. The indicative plot ratio for developing 'Z14' lands is stated as being within 1.0 and 3.0, and an indicative site coverage of up to 50% is also provided for on these lands.
- 6.3.2. The site is identified in the Development Plan as forming part of SDRA 1 for the North Fringe, including the Clongriffin and Belmayne areas. In such areas, section 4 of the Development Plan states that higher densities will be promoted. The Development Plan identifies that the lands were initially part of an action area plan with various aspects of the support infrastructure in place to serve the emerging urban quarters. Figure 20 of the Development Plan illustrates that the subject lands are to be developed for 'residential uses' with an 'enhanced route' following the line of the existing closed section of the greenway pedestrian and cycle route. Table E of the Development Plan sets out an estimated capacity of 7,100 residential units on the North Fringe SDRA 1 lands and section 15.1 refers to the aim of providing approximately 8,000 new homes in this area. A roads objective follows the alignment of the new Main Street under construction adjoining to the south of the site.
- 6.3.3. As it is projected to be a key population growth centre, an area adjoining the Clare Hall – Malahide Road junction (R107 and R139 regional roads) approximately 500m to the west of the application site and an area adjacent to the Clongriffin rail station 1km to the east of the application site, are identified as 'Key District Centres (mixed

uses)' in the Development Plan, conforming to the top-tier of urban centres outside of the city centre. The Plan sets out a range of policies aimed at focussing a variety of uses into such areas.

6.3.4. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 6.1 above. Policy SC13 promotes sustainable densities with due consideration for surrounding residential amenities. The Development Plan includes a host of policies addressing and promoting apartment developments. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) is referenced in the Development Plan with respect to the consideration of aspect, natural lighting, ventilation and sunlight penetration for new apartments.

6.3.5. Section 16.7.2 of the Development Plan sets out building height limits, including a 16m restriction for commercial and residential buildings in the outer city, while also allowing for mid-rise buildings up to 50m in locations such as the North Fringe.

Other relevant sections of the Development Plan include the following:

- Section 4.5.3 - Making a More Compact Sustainable City;
- Section 4.5.9 – Urban Form & Architecture;
- Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
- Section 16.2 – Design, Principles & Standards;
- Section 16.10 - Standards for Residential Accommodation;
- Section 16.38 – Car Parking Standards (Zone 3 – maximum of 1.5 spaces per residential unit and one space per 75sq.m GFA of a retail unit under 1,000sq.m GFA);
- Section 16.39 - Cycle Parking Standards (minimum of one space per residential unit plus visitor parking, three spaces per 200sq.m GFA of shops and three spaces per pupils/students in 'other education buildings').

6.3.6. Dublin City Council has released a Draft Dublin City Development Plan for the period 2022 to 2028. Within this draft Plan the application site and adjacent lands to the east and south continue to be assigned a 'Z14 – SDRA' zoning, while the

established schools and residential areas adjacent to the north and west are zoned for 'Z15 Community and Social Infrastructure' and 'Z1 Sustainable Residential Neighbourhoods' respectively.

Clongriffin-Belmayne Local Area Plan 2012

- 6.3.7. According to the Planning Authority, this Local Area Plan sets out a detailed framework and phasing mechanism for the development of the remaining key sites at Clongriffin and Belmayne and the applicable period of this statutory plan was extended to 2022. An overall net residential density of 50 units per hectare is supported for the Local Area Plan lands, while the subject site is identified in phase four of six development phases. Indicative land uses, scale, densities and number of residential units is outlined for each phase of development at Belmayne. Development principles and standards, including those relating to car parking requirements, urban design, urban structure and form, linkages, landscaping, biodiversity and SUDS are outlined within the Local Area Plan.
- 6.3.8. The Local Area Plan indicates a 'potential green way', as well as a 'potential cycle path' running from Belmayne Avenue along the line of the existing closed section of the greenway pedestrian and cycle route. Cycle paths are also indicated along Belmayne Avenue and Main Street.
- 6.3.9. The Local Area Plan identifies the application site as containing a potential area for increased building heights running along the Main Street boulevard axis connecting the KDCs east and west of the site. Four to five storeys would generally be allowed fronting this Main Street with lower heights to the rear, while figure 7.7 of the Local Area Plan identifies the southwest corner of the site as being suitable for five storeys or more fronting a public space, subject to integration with the streetscape in urban design terms.
- 6.3.10. A 'community square' is to be provided at the junction of Main Street and Belmayne Avenue on the application site based on the objectives of the Local Area Plan, and this should provide a space to rest along the pedestrian route, to meet, to interact and to incorporate landscaping and nature into a higher-density urban setting. The concept for the space is to have active ground-floor uses that provide a community focus in particular. A local park is also identified approximately to the southeast side of the existing Parkside Park to the north of the application site and this is intended

to form a focal point and main design feature for the residential precinct adjoining this.

Draft Belmayne Town Centre and Belcamp Lane Masterplan 2020

- 6.3.11. This non-statutory draft Masterplan was published by the Planning Authority as a draft document in July 2020. I am not aware of any updates to its status and I note that the application site sits outside the area covered by this draft Masterplan, but it does provide some insight with respect to the surrounding context, including the new Main Street boulevard development adjoining the site.

7.0 Statement of Consistency

- 7.1.1. The applicant has submitted a Statement of Consistency as part of their Planning Report, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. The statement initially refers to the provisions of national and regional policy, including Project Ireland 2040, Housing for All – A New Housing Plan for Ireland (2021) and the RSES. Following this the statement addresses Ministerial guidelines, including those referenced in section 6.1 above. The statement subsequently focuses on local planning policy, including the Dublin City Development Plan 2016-2022, the Clongriffin - Belmayne Local Area Plan 2012 and the Draft Belmayne and Belcamp Lane Masterplan 2020. The statement refers to the various documentation and drawings contained within the application to assert adherence of the proposals to planning policies, objectives and standards. The statement asserts that the proposed development would be consistent with the proper planning and sustainable development of the area, as well as all relevant national, regional and local planning policies and guidelines, with the exception of material contraventions that I address in the next section.

8.0 Material Contravention Statement

- 8.1. Section 8 of the applicant's Planning Report comprises a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant asserts that the proposed development would materially contravene both the Development Plan and Local Area Plan with respect to the proposed building heights. The applicant also addresses the potential for the proposed development to

materially contravene the Development Plan with respect to the proposed site coverage, housing mix, dual aspect provision, the number of apartments per core, car parking and public open space, but ultimately they assert that the proposals would only materially contravene the Development Plan on its own with respect to housing mix provision. The applicant also addresses the potential for the proposed development to materially contravene the Local Area Plan with respect to residential density and unit numbers, as well as phasing arrangements. Within their conclusion, the applicant asserts that the Board may grant permission for the subject strategic housing development having regard to subsections 37(2)(b)(i), (ii), (iii) and (iv) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

- 9.1.1. A total of 88 third-party submissions in relation to the application were received by An Bord Pleanála within the appropriate period and these were primarily from residents of the immediate area, as well as from local representative groups and local elected representatives. The submissions were accompanied by photographs and other details relating to the subject area, as well as extracts from the application documentation. Issues raised in these submissions can be collectively summarised as follows:

Planning and Development Principles

- proposals would result in overdevelopment of the final phase of development in the Parkside urban cell, based on the previous permission (DCC ref. 3791/18) and the terms of the Development Plan, the Local Area Plan, the NPF and the relevant Ministerial guidelines, particularly when taken in conjunction with the existing 2,600 apartments within 750m of the site;
- the site does not have capacity for buildings;
- the density of 181 units per hectare is excessive for this site, particularly when considering the existing provision of public transport and when comparing the proposed densities with the adjoining phase 5a development and as 35 to 40 units per hectare was envisaged under the Local Area Plan and 100 units per hectare was envisaged in the Draft Belmayne and Belcamp Lane Masterplan 2020;

- the density should be reduced to 110 units per hectare, in order to fit in with existing densities and address other failings of the proposals relating to lighting, residential amenities, public open space provision, overbearing impacts and visual impacts;
- justification for the densities proposed is not provided for, as the site is not of brownfield categorisation and as it is debatable whether or not the site is on a high-quality transport corridor, despite there being good and frequent bus services;
- the material contravention process should not be used to facilitate substandard development;

Housing Details

- the scale and height of development would obstruct light to the internal areas and the amenity areas serving many of the proposed apartments with information provided revealing that the minimum standards would not be achieved, and the applicant's justification for not achieving same does not stack up;
- a proportion of the units should be available to purchase by local people and should not be subject to renting by a pension/hedge investment fund, as a good level of owner occupiers would assist in managing the scheme and would encourage integration with the community;
- proposals lack consistency with the apartment mix and dual aspect requirements of the Development Plan and a higher proportion of two and three-bedroom units would attract long-term occupancy rather than transient groups;

Design, Building Heights and Massing

- the height, appearance and scale of the development is out of character with the surrounding area, which is predominated by two and three-storey housing to the north and fails to comply with policy QH22 of the Development Plan relating to new housing development having regard to the character and scale of existing housing;

- building heights would materially contravene the Development Plan and the Local Area Plan standards;
- it was understood that there would be a transition in building heights with the lower height duplex units alongside the new housing within Parkside to the north and with a maximum of four to five storeys along the main streets. Lower building heights should also be provided onto the plaza;
- buildings would restrict light and result in overshadowing to the schools, including classrooms, the shared children's sports and play areas and Walker Close;
- proposals provide for unrelieved elevations creating a canyon effect in visual and spatial terms with a cramped form of development, insufficient setbacks and open areas, as well as a poor quality to the urban plaza;
- insufficient public open space would be provided relative to the Development Plan 10% standard requirement for these lands, as well as limited utility and value for the two proposed public open space areas;
- there would be a lack of quality, functional and well-lit communal open space for residents;
- frontage proposals onto Main Street and Belmayne Avenue are welcomed;
- lack of facilities for children with the nearest park 1km away;

Local Amenities

- diminished amenities, health and wellbeing for neighbouring residents;
- poor visual impact and obtrusive appearance;
- based on the sunlight and daylight analysis submitted, the proposals would result in reduced sunlight and daylight for neighbouring schools and houses, with failure to meet minimum required annual and winter sunlight hours, as well as the required provision of vertical sky component;
- the continued noise and disruption from construction activities would have a detrimental impact for residents;

- excessive overbearing impacts and direct overlooking of the adjacent schools and neighbouring homes would arise, particularly along Belmayne Avenue, Walker Close, Walker Drive, Walker Row, Grattan Lodge, New Priory and the Hole in the Wall Road;
- proposals would have excessively overbearing impacts when viewed from the greenway, although the proposed provision of passive surveillance is to be welcomed;

Traffic and Transport

- there is a lack of roads infrastructure to serve the development with existing junctions approaching capacity, including Belmayne Avenue and Main Street, as well as Belmayne Avenue and Belmayne Park South;
- the area already suffers from traffic congestion with oversubscribed and poor roads capacity, and there are no plans to improve this situation. The proposed development alongside other large-scale developments under construction or permitted within 2km of the site would further worsen this situation;
- junction capacity modelling is required for the Donaghmede roundabout and the regional road junctions with Belmayne Avenue and Malahide Road;
- Main Street is only intended to serve buses, therefore, vehicular access would be an issue;
- the R139 regional road serving as the main route to the site is already heavily trafficked;
- frequent bus services are not available, the existing bus services are often full and are often delayed on neighbouring roads and there is no evidence of plans to improve public transport;
- the DART station at Clongriffin is a long walk (22 minutes) from the site (1.3km);
- provision of the final section of the greenway is welcomed;

- proposals feature a shortfall in car parking relative to Development Plan standards, which would lead increased parking congestion along the main roads, particularly during school drop-off and collection times;
- Belmayne Avenue is in poor condition and badly maintained, and the proposals would result in an increased risk of accidents;

Supporting Infrastructure

- local schools are oversubscribed and have long waiting lists, while the permitted primary and post-primary schools on the site to the south of Main Street will not be available for a number of years;
- childcare facilities in the area are almost full, while the proposed crèche is anticipated to serve a population of 2,008 persons in 730 units;
- there is limited existing provision of community and other services in the area, including healthcare, childcare, education, library, recreational, retail, emergency and administrative services, and anti-social behaviour is increasing as a result;
- the area is only served by one convenience shop and other shops at Clare Hall are distant from the site;

Procedural and Other Matters

- devaluation of local property;
- loss of last remaining green area in Belmayne, which will impact on wildlife;
- the concerns raised cannot be addressed via conditions.

10.0 Planning Authority Submission

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

Phasing and Density

- the development forms phase 5B, which is the last phase of development in the Parkside residential character area, with phase 5A under construction and phase 4 development for a build-to-rent apartment scheme permitted under ABP-305623-19;
- the phasing plan for the Local Area Plan is indicative and therefore there is no objection to the program of works. The completion of the Parkside phase 5B would represent the conclusion of the main construction in the Parkside residential quarter;
- the overall target density of the Local Area Plan should not be taken as a limitation on increased densities; an approach which would be in line with the 'inward and upward' urban consolidation objectives of the NPF;
- the proposed plot ratio (1.63) would be within the Development Plan parameters for 'Z14' lands, while the proposed site coverage at 35%, or 47% when including basement areas, would be in line with Development Plan standards;
- comparable densities in the immediate area include the Windermere development at the junction of the Hole-In-the-Wall Road and Marrsfield Avenue (231 units per hectare - DCC Ref. 2295/19), Parkside phase 4 (182 units per hectare - ABP ref. 305623-19), the recently approved strategic housing development to the west along Main Street (198 units per hectare - ABP ref. 310077-21) and the completed area of Belmayne to the west (85 units per hectare);
- the earlier phases of the Parkside development largely comprise lower densities due to their context and as a means to 'kickstart' the wider development process;
- as per the long term objectives of the Local Area Plan and the objectives of SDRA 1 in the Development, and in line with Construction 2020 and other national and regional guidelines, it was expected that the density gradient and heights were always going to increase approaching Main Street and the key district centres;

- while the Draft Belmayne and Belcamp Lane Masterplan noted that the Local Area Plan would provide for 8,000 residential units, it highlighted that in the long term Belmayne and Clongriffin would accommodate 25,000 units;
- the proposed scheme would secure a high density of development, while maximising the efficient use of urban land, retaining the compact urban form of the area and helping to meet housing demand, in accordance with Government policy and guidance;

Layout and Open Space

- vehicular cross-overs of the greenway are not proposed, which could have degraded the greenway's functionality;
- the proposed urban square/plaza complies with the community square objective of the Local Area Plan;
- blocks 1 and 5 would accommodate mostly retail and residential amenity uses at ground level onto the plaza and widened greenway, framing the plaza, adding to the vitality of the area and potentially providing for active frontages and passive surveillance;
- it is recommended that an architectural lighting plan for the plaza should be agreed prior to its development or prior to the first installation of street-lighting on site, and any external lighting should comply with the Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light';
- further consideration is required regarding the quantum of play areas relative to the New Apartment Guidelines, the provision of play areas for older children and the lighting of play areas;
- communal open space would receive sufficient light according to the applicant, but it is unclear what areas are included as part of the communal space;
- ventilation from basement areas should be screened and positioned away from terraces;

- there is provision for any shortfall in public open space to be addressed via contributions, if necessary, and the permission should safeguard public access and use of the plaza;
- the micro-climate report did not identify any problems with the proposals;

Design

- the Parks, Biodiversity & Landscape Division have no objections to the landscaping proposals and screen planting, although green roofs or pergolas should be considered for ancillary structures and at the thresholds of the basement ramp accesses;
- the use of brick facades is welcome and it would be preferable for limited use of render finishes or even lighter coloured panels to be used, especially on less sunny elevations where they will be more prone to discolouring and spoiling;
- a lighter-coloured brick finish on the inside-facades of courtyard areas as an alternative higher quality finish can also be used to reflect and scatter light back into these areas;
- brick finishes should be provided for stores and substation structures, as well as the inside and outside of boundary walls;
- duplex design would be in keeping with the previously permitted duplexes in Parkside and it would be preferable if these duplex terraces are uniformly finished in brick;
- service doors should be treated to blend into the host building finishes;
- dedicated air handling units located at roof level or ceiling void would minimise or totally negate any visual disamenity caused by such units;
- further use of low hedging should be considered to dissipate the potential disamenity of extensive and deep areas of hard landscaping and to restrict headlight beams to ground-floor units;

Building Heights

- the applicant's stepped building approach responding sensitively to existing development appears generally reasonable;

- under the terms of the Building Heights Guidelines, four storey buildings or higher can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets, which would be particularly applicable in this instance;
- the Draft Belmayne and Belcamp Lane Masterplan identifies scope for an eight-storey landmark building south west of the subject proposed plaza area, across the Belmayne Avenue / Main Street intersection;
- a similar level of development to that along the west side of Belmayne Avenue would be expected along the opposite side of the street;
- heights across the scheme are appropriate to the location and would help provide for a strong urban edge along the area's primary streetscapes, while providing complementary local landmark structures at a nodal point in the southwest corner of the site, where Block 1 and Block 5 will 'announce' the Parkside residential quarter on approaches from the west and south;
- precedent for increased building heights has been set by recent strategic housing development permissions in SDRA 1 lands and the Local Area Plan lands;

Apartment Standards

- the constructed housing within the wider Parkside development primarily features three and four-bedroom houses with two and three-bedroom duplex units along the greenway;
- the proposed apartments would provide for a greater mix of residential unit types throughout the Parkside development, balancing the previous lower-density developments;
- despite no specific justification for the two-bedroom, three-person apartment unit (Type 2K), given that only one of this unit type is proposed it complies with the limitation for same, as set out in section 3.7 of the New Apartment Guidelines;
- the applicant's Planning Report notes that the unit sizes are contrary to the Development Plan standards and that it was intended that this issue would be

dealt with in their Material Contravention Statement, however, this was not ultimately addressed in the Statement;

- the apartment sizes, private amenity space, lift and stair core access, proportion of dual aspect units and floor to ceiling heights, meet or exceed the minimum standards required in the New Apartment Guidelines, including safeguarding higher standards;
- lift and stair core access, as well as the proportion of dual aspect units (41%) do not meet the Development Plan standards;
- it is presumed that the 2018 New Apartment Guidelines illustrated definition northern aspect follows through to the 2020 Guidelines with reference to dual aspect units;
- internal space available for wider community use would be preferable, but this would be at the discretion of the management company;
- it is understood that an agreement in principle has been reached regarding Part V proposals;
- the provision of extensive green roofs would contribute positively to the visual amenity for future occupants in terms of outlook and further fitting of green roofs should be provided for the detached bin and bike stores or they should at least feature planted pergola roofing systems so as to reduce their potential impact on the outlook for adjoining residences and to add to the scheme's SUDS capacity;
- bins marshalling areas may compromise the amenity of terraces serving units 321 and 668 in block 2;

Proposed Apartments - Privacy

- the privacy of various units and their balconies needs to be addressed via revised layouts and screens, which can be agreed at compliance stage;
- the schools or uses along Belmayne Avenue would not overlook the development;

- any above ground-floor landing area windows should be fitted with opaque glazing if they unduly overlook third-party sites or apartments within the scheme;
- 1.8m-high screens should be applied to terraced balconies or patios where they are in close proximity to each other in a series across the face of apartment block elevations, including units 18, 80 and 82, as well as the upper-floor units above these in Block 1;
- directional treatments should be provided for apartments in blocks 1, 2 and 5 to address overlooking and possibly provide additional aspect, while it is unclear why treatments are applied to units 321 and 322 of block 2 given that they are ground-floor units;
- concerns arise regarding the outlook to bedrooms in apartment 1, 2 and the living area in apartment 71 of Block 1, as well as the outlook for the living area serving apartments 529 and 662 in Block 5;
- the garden frontage of ground floor apartment 491 would be compromised by overlooking from the upper-floor opes in block A duplexes in Parkside phase 5a and this could only be avoided by omitting these units;
- the northern side of the nearest balconies in Block 3 facing duplex block A should be fitted with 1.8m-high screens and the secondary windows to units 433 and 434 in block 3 should feature obscure glazing or some form of mitigation to address overlooking;
- the north eastern sides of the balconies serving units 494, 504, 514 and 524 in block 4 should be fitted with 1.8m-high screens to minimise overlooking of duplex block B;
- living areas for apartments 259 and 260 should be moved to first floor from the ground floor to address privacy and they should feature screening to their south-facing balconies;
- the balconies serving unit 208 and the units above this in block 2 should be relocated from their east elevation to the south elevation;
- a high screen should be applied to the rear/northern elevation of the first-floor communal space in block 1, sufficient to maximise the privacy of adjacent

apartment unit 19. There may be a need for the management company to consider a curfew for this communal space, due to its proximity to adjoining residential units;

- all balconies at first and second floor levels should be fitted with opaque glazing behind their railings to address their exposure to the public realm or circulation areas;
- external steps to the terrace blocks potentially compromise the privacy of the primary private open space to the ground-floor units;

Proposed Apartments – Sunlight/Daylight

- it would have been preferable if the applicant's sunlight and daylight study accounted for obstruction potentially generated from possible future development on the undeveloped lands to the south west of the site, which are earmarked for a landmark building;
- average daylight factor (ADF) values are provided, however the uniformity or distribution of daylight received into habitable space, as per BS8206, does not appear to be illustrated;
- 86% of living/kitchen/dining areas comply with the a 2% ADF target or 93% of these areas when assessing using an alternative 1.5% ADF design value;
- the 2% ADF value is more preferable for living/kitchen/dining areas or the provision of compensatory design measures, which the applicant has asserted to be incorporated into the proposals via surplus floor areas, dual aspect and the communal and open space provision, as well as the need to create a high-quality urban streetscape;
- it is recommended that the scheme maximises daylight to long corridors and minimises reliance on artificial illumination;

Neighbouring Residential Amenities

- the applicant's submission on daylight to existing adjoining buildings and properties is noted;
- existing neighbouring communal amenity spaces and the nearest third-party private open spaces would continue to receive the same level of sunlight even

with the proposed development in place, thus exceeding the recommendations in the BRE 209 Guidelines;

- based on the shadow analysis, additional overshadowing would occur for Belmayne Avenue to the west, as well as the school campus to the north, while minimal additional shading would occur for New Priory apartments and Parkside phase 5a development. No additional shading would arise for St. Michael's Cottages;
- the viewing cones along the eastern gable to the upper-level opes in block 3 should be redirected away from property at St. Michael's Cottages and New Priory or the opes should be relocated and/or omitted, and the eastern side of the balcony serving these apartments, such as unit 453, should be fitted with 1.8m-high side screens;
- the upper-level gable windows to duplex block A should be fitted with opaque glazing or treated to avoid overlooking southwest into the rear garden areas of houses to the east in St. Michael's Cottages and housing in Parkside phase 5a;
- the northern opes serving unit 275 in block 2 should be directed to the northwest and away from the rear garden area serving the house opposite in Parkside phase 5a on the corner of Walker Close and Walker Drive;
- the living areas and private open space serving duplex units 598, 599, 600, 601, 729 and 730 in block 5 should be moved to first-floor level;

Traffic, Access and Parking

- recommended conditions are outlined within the Transport Planning Division report, and the application details are noted;

Supporting and Ancillary Services

- the play area serving the childcare facility would receive sufficient sunlight based on the relevant standards;
- the applicant provides details of social and community infrastructure within the area, as well as rationale for the size of the childcare facility proposed;

- slow uptake of commercial floor space along Main Street in Belmayne is noted, and the completion of the Parkside residential character area will increase footfall and therefore the viability of local commercial and retail units;
- much of the retail, commercial and social infrastructure to serve the area is proposed to be provided in Belmayne town square area and this would be supported by the subject residential development;
- some interchangeability of use with regard to the proposed internal residential amenity space and local community uses is recommended having regard to the extant Local Area Plan objective for a community hub in this location;
- as a comparison 417sq.m of community space serving almost 2,000 apartments was permitted for block 4 of Clongriffin and there is not requirement for a community facility to be provided as part of the development based on the New Apartment Guidelines;

Other Matters

- a bin marshalling area for block 5 has not been assigned;
- odours from the refuse areas should be minimised with use of sufficient ventilation;
- it is recommended that solar panels are arranged so as to not negatively impact upon aircraft safety associated with Dublin Airport;
- no archaeological sites are identified within the site area, but it is recommended that a standard monitoring condition be applied;
- the applicant's Wind and Microclimate Modelling report shows low-rise buildings opposite the site to the south west, whereas the draft Masterplan identifies a potential eight-storey landmark building providing further dense urban development;
- it is recommended that a report on the status of alien invasive species on the site should be presented prior to construction despite no alien invasive species being identified on site;

- the proposed development would not result in the loss of foraging habitats, while an array of trees and shrubs would be planted as part of the Landscape Plan, as well as connectivity with Father Collins Park;
- mitigation measures for bats should be incorporated into the scheme's lighting design and landscape design;
- Appropriate Assessment and EIA are matters for the Board to consider as the competent authority in this regard;

Conclusion, Recommendation and Statement

- the proposed strategic housing development would be consistent with the provisions of the Development Plan, the Local Area Plan and the draft Masterplan and, therefore consistent with the proper planning and sustainable development of the area;
- the Planning Authority recommend the attachment of 20 conditions, including those referenced above and the following conditions of note:

Condition 1 – 35 amendments to address overlooking, privacy, dual aspect, finishes and treatments, as well as sunlight and daylight provision;

Condition 3 – restricted use of internal residence communal rooms to uses within Class 10 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001-2021;

Condition 6 – light pollution;

Condition 7 – roads and parking requirements;

Condition 8 – drainage division requirements;

Condition 12– external signage;

Condition 13(e) – public artwork;

Condition 13(f) – invasive species;

Condition 13(g) – bat conservation;

Condition 14 – archaeological monitoring.

10.2. Inter-Department Reports

- Drainage Division – no objection, subject to conditions, including those attached to DCC ref. 2941/14;
- Air Quality Monitoring and Noise Control Unit – to minimise the impact on local residential properties the developer should adhere to DCC's Construction and Demolition Good Practice Guide;
- Housing and Community Services – the applicant has engaged with the Housing Department and is aware of their Part V obligations for this site;
- Parks, Biodiversity and Landscape Services – public artwork is required to enhance the plaza and the hard surfacing to the plaza should be reviewed. Conditions relating to landscaping, invasive species, bat conservation and open space management are also recommended in the event of a permission;
- Transportation Planning Division - conditions recommended addressing pedestrian priority at entrance ramps, wheel stops to perpendicular parking spaces, pathway widths at electric-vehicle charging spaces, compliance with DMURS, construction traffic management and taking-in-charge details, as well as visitor, crèche and retail unit cycle parking spaces. The section of Main Street bounding the site is under construction since October 2021 with a 12-month construction programme and the access arrangements and design layout have been confirmed to tie in with the construction of Main Street. The division acknowledges the proximity of the site to public transport, as well as the need to manage car parking and address travel planning;
- Environment and Transportation Section – waste management requirements are listed;
- Planning and Property Development Department – a bond condition, a condition requiring the payment of a contribution in lieu of the development not meeting the open space requirement, a section 48 development contribution and a section 48(2)(c) North Fringe Development Contribution would apply.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the North Central Area Committee of the Local Authority on the 13th day of December, 2021. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- development would be of excessive height and density for this location, comprising poor design and overdevelopment of the site, contravening the Belmayne Masterplan, overshadowing and overlooking existing and proposed residences;
- concerns expressed regarding design and layout of the development, including separation distances, dual aspect units, apartment sizes, housing mix, including lack of three-bedroom units, and open space provision;
- concerns expressed regarding impacts on traffic and public transport infrastructure, which is at full capacity;
- Clongriffin rail station only provides a transport option for those travelling north-south and not east-west or alternative directions;
- lack of school and childcare places to serve the development with no community facilities or indoor facilities proposed or available in the area and minimum social housing to be provided;
- the childcare facility is a token gesture and may be undersized;
- welcome that it is not a build-to-rent development;
- the Chief Executive should recommend refusal of this application.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Irish Water

- water – a connection can be facilitated to the existing Irish Water watermain network;

- wastewater – a connection can be facilitated to the existing Irish Water wastewater network;
- conditions are recommended, including those relating to connection and diversion agreements, as well as compliance with Irish Water’s codes and practices.

Transport Infrastructure Ireland

- no specific observations on the application.

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

12.0 Assessment

12.1. Introduction

- 12.1.1. The proposed strategic housing development is stated to comprise the last phase of the development in the Parkside residential character area, which is situated within the expanding northern fringe of Dublin city. The location of developments within the Parkside character area and their relevant permissions are illustrated on the architect’s layout drawing no.18020 PL004. This character area is generally bound by Belmayne Avenue to the west, Parkside Boulevard and the Mayne River to the north, the Hole in the Wall Road and St. Michael’s Cottages to the east and a new road, referred to as Main Street to the south, which would be laid out in a boulevard type arrangement. The Parkside area sits between the Belcamp / Belmayne area to the west, Father Collins Park to the east, Balgriffin Park to the north and a temporary school campus to the south.
- 12.1.2. The proposed development would comprise 1,361sq.m of non-residential floor space, representing a maximum of 2% of the development gross floor area (66,967sq.m) and not exceeding the 4,500sq.m statutory limitation, all located on lands with a zoning objective ‘Z14’. It is also proposed to demolish a partially-constructed and filled basement substructure. The stated total area covered by this substructure is 4,590sq.m, but this does not conform to an ‘other use’ as the actual

area covered by this substructure is not presently in use for a specific purpose, as it has been backfilled with various materials. The removal of this substructure would, therefore, only entail enabling works to facilitate the proposed development.

Consequently, I am satisfied that the proposed development comes within the definition of a 'strategic housing development', as set out in section 3 of the Act of 2016.

12.1.3. The proposed development would also feature 1,672sq.m of communal ancillary residential floor space, which I am satisfied would be solely for the enjoyment of the development's residents, forming part of their residential amenity facilities.

Notwithstanding this, should this communal ancillary residential floor space be considered to comprise 'other uses', I note that this would amount to 2.5% of the overall development gross floor area. In conjunction with the non-residential other uses referred to above, this would amount to 3,033sq.m floor area or 4.5% of the overall development gross floor area. Accordingly, this would not exceed the 4,500sq.m or 15% statutory area limitations, and I am satisfied that the proposed development would continue to come within the statutory definition of a 'strategic housing development'.

12.1.4. This assessment considers the proposed development in the context of statutory plans for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including, the application submitted, the contents of the Chief Executive's Report received from the Planning Authority, issues raised in the observations on file, the planning and environmental context for the site and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Urban Design;
- Impacts on Local Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transport;
- Services and Flood Risk;

- Material Contraventions.

12.2. Development Principles

Land-Use Zoning Objectives

- 12.2.1. The dominant use of the site would be for residential purposes in the form of 730 apartments, with other ancillary residential uses comprising residents' amenity areas in blocks 1 (672sq.m), 2 (492sq.m) and 5 (510sq.m), as well as residents' basement car parks to blocks 1, 2 and 5. The convenience retail unit (510sq.m) and crèche / childcare facility (525sq.m) would be open to the public and it is not stated if the residents' amenity space in block 5, which has been laid out on drawings as a work hub (436sq.m), would be open to the public.
- 12.2.2. The application site and the surrounding lands are assigned a land-use zoning 'Z14' within the Dublin City Development Plan 2016-2022 for 'Strategic Development and Regeneration Areas' (SDRAs), with a stated objective to seek the social, economic and physical development and/or rejuvenation of such areas with a mix of uses, of which residential and 'Z6' (enterprise and employment) would be the predominant uses. A road scheme objective is identified in the Development Plan for the route running along the alignment of Main Street to the south of the site.
- 12.2.3. The Development Plan states that Z14 lands have the capacity for a substantial amount of development and that a Local Area Plan was adopted in 2012 for the Clongriffin - Belmayne Z14-zoned lands. In response to comments from observers and from a planning perspective, this in itself clearly sets out the principle of the site being suitable in accommodating buildings. Within the 'Clongriffin - Belmayne Local Area Plan 2012' the site is strategically allocated for residential uses based on the key development principles and the phasing priorities maps within the Local Area Plan, albeit with specific objectives relating to green infrastructure, permeability and connectivity, play areas and roads access, all of which I address further below where relevant.
- 12.2.4. All proposed uses, including ancillary off-licence and café forming part of the proposed convenience retail unit, are permitted in principle on these lands based on the land-use zoning objectives contained in the Development Plan and the predominance of residential uses would comply with the development objectives of

the Local Area Plan. I am satisfied that the development would provide for a complementary mix of uses on this site, compliant with the overall vision for the lands, as set out within the Development Plan and the Local Area Plan and it would not materially contravene the Development Plan in relation to the zoning of the land.

Community Use

- 12.2.5. The Planning Authority refer to an extant Local Area Plan objective for a community hub to be provided on the site. Following a review of the Local Area Plan, I am satisfied that there is not an explicit or specific objective for a community hub to be provided on this site.

Demolition Works

- 12.2.6. The proposed development seeks permission for project enabling works comprising the removal of a partially-constructed and filled basement car park structure located on site, including associated internal walls and podium slab. This structure was previously permitted under DCC ref. 4776/07 dating from February 2008 and was subsequently subject of fill works. No parties have specifically objected to the removal of this substructure, details of which are included in the applicant's engineering drawings, and I am satisfied that there are no planning provisions restricting the principle of this part of the proposed works. The applicant has addressed the means and measures to be employed in removing the structure as part of their EIAR and Construction and Demolition Waste Management Plan.

Seven-year Permission

- 12.2.7. The applicant has sought a grant of permission for a duration longer than the standard five years, by specifically requesting a seven-year lifespan for the permission in the statutory notices and the associated application documentation. The applicant's rationale for requesting same is stated as being based on the scale of the development, as well as the impacts of Covid-19 restrictions and Brexit on construction activity. A phasing strategy for the development has been provided as part of the application, with drawing no.PL006 illustrating the initial two phases of development on the west side of the site between the school campus and Main Street, and the latter phases moving eastwards from the centre of the site to the boundary with New Priory and St. Michael's Cottages.

12.2.8. The Development Management Guidelines for Planning Authorities (2007) advise that extended durations for permissions may be appropriate in some situations, for example, for major developments, which I consider the subject development to fall into the category of based on the extensive scale of development proposed, which is substantially larger than the standard and many of the strategic housing developments in the area. Notwithstanding the recent easing of restrictions, the additional permission period sought is not substantially greater than the standard and I am satisfied that there are appropriate circumstances based on the Development Management Guidelines and the scale of the development to allow a seven-year permission, subject to the conclusions in assessments below.

Phasing

12.2.9. As referred to above, the subject site forms part of lands being developed under the terms of a Local Area Plan, which identifies phasing priorities that facilitate various areas to be sequentially developed, dependent on the provision of supporting infrastructures and the completion of earlier phases of development. The Planning Authority state that the phasing strategy in the Local Area Plan is indicative and they do not object to the program of works. Observers to the application do not object to the phasing strategy. In the material contravention statement within their Planning Report, the applicant concludes that the proposed development would not materially contravene the phasing strategy within the Local Area Plan.

12.2.10. The Local Area Plan identifies the areas to be developed on a phased basis and sets out the infrastructural requirements to serve each phase of development. The vast majority of the application site would fall into 'Belmayne Next Phase 4' lands. The applicant refers to a small section of the development along Main Street coming with the 'Next Phase 1' lands. From my review of figure 16.4 of the Local Area Plan and the applicant's site plan drawing, I am satisfied that it is only a 60m stretch of the 'greenway' that would overlap the 'Next Phase 1' lands and the application site. The applicant is not proposing any substantive works to this existing open section of the greenway on the 'Next Phase 1' lands.

12.2.11. The stated infrastructural requirements in the Local Area Plan to advance from 'Next Phase 1' through the phases to 'Next Phase 4' can be summarised as follows:

Roads

1. completion of the section of Main Street between Belmayne Avenue and the boundary with Priory Hall;
2. linking the Northern Distributor where it crosses Hole in the Wall Road to open the distributor road route fully from the R107 to Station Square;
3. construction of internal street network east of Belmayne Avenue, including completion of the streets that frame the diagonal green route connecting to Hole in the Wall Road require completion;
4. incremental developments that assist the completion of links to be facilitated;
5. Planning Authority consultation with the NTA to provide traffic impact analysis of traffic movements;

Drainage and Water

6. completion of principal water and drainage mains;
7. completion of integrated surface water management masterplan for the Belmayne lands, including innovations in SUDS;
8. provision of internal network of foul sewer, surface water sewer and water mains east of Belmayne Avenue;
9. completion of internal networks for foul sewer, surface water sewer and water mains required for Phase 4 and Phase 5 land banks;
10. an integrated surface water management plan, which integrates Phase 4 and 5 with the overall development including innovation in SUDS required.

12.2.12. On the basis of my visit to the area, review of the application submissions and documentation, including the Infrastructure Design Report and Traffic and Transport Assessment, it would appear that the infrastructural requirements listed above as items 1, 2, 3, 4, 6, 7 and 8 have been completed or would be completed as part of the proposed development, although it is unclear if infrastructural requirements listed as items 5, 9 and 10 have been completed. Based on figure 16.4 of the Local Area Plan the construction and opening of the greenway route and Main Street were previously required to be developed in Next Phases 1 and 2 respectively. The subject development would deliver the final section of the greenway route in

Belmayne and the required section of Main Street in Belmayne is estimated by the Planning Authority to be completed in October 2022.

12.2.13. The Local Area Plan states that the phasing sequence will be flexible to encourage progress of both the residential districts and the main mixed-use commercial districts, where achievement of phasing priority points 1 to 7 (page 88 of the Local Area Plan) is demonstrated. No future phase of development will be permitted, which would lead to an isolated or disjointed character of development and justification of a proposal against the phasing priorities (points 1 to 7) will be required in an application.

1. Achieve the completion of the internal street network to improve movement across the Z14 zoned developing lands and connect communities.
2. Prioritise walking and cycling routes that connect new residential estates in a direct way with local facilities that include Fr Collin's Park, the rail station, bus stops, town centre services and school facilities.
3. Deliver a sequence of interconnected neighbourhood parks along a green route suitable for walking and cycling and maximise the integration of this route and parkland amenities with development lands adjoining.
4. Create a well-defined sequence of next phase sites, with appropriate boundary treatments and improved physical and visual condition of vacant sites awaiting future development.
5. Deliver incremental progress towards achieving a coherent spatial structure for the overall area with legible distinction between residential character areas, buildings defining important movement routes, buildings defining important park locations and buildings that define the key town centres.
6. Require that the next planning applications seeking development /modification to previous permissions include within the application key sections of the internal street network, green route and open space network to incrementally achieve the completion of these services.
7. Require that the next planning applications seeking development/modifications to previous permissions include within the

planning application a management plan that demonstrates how the remaining vacant lands will be appropriately treated and bounded.

12.2.14. The proposed development would integrate with the wider internal and strategic road network, whilst delivering open spaces, such as the public plaza, and an essential piece of infrastructure for the community by completing and opening the remaining section of the greenway route. The proposed development would not reasonably lead to a disjointed character of development and would realise a rationale sequential means of completing development on this undeveloped site in the final Parkside portion of the Local Area Plan lands.

12.2.15. Considering the flexibility provided for within the Local Area Plan in terms of phasing and the matters addressed above providing justification for the proposals against the Local Area Plan phasing priorities, I am satisfied that a material contravention of the phasing strategy within the Local Area Plan would not arise and permission for the proposed development should not be withheld based on the phasing strategy requirements of the Local Area Plan.

Site Coverage

12.2.16. The subject development would have a plot ratio of 1.63 and a site coverage of 35% or 48% when including the basement level, which is within the 1.0 to 3.0 indicative plot ratio and the 50% indicative site coverage normally allowed for in the Development Plan on 'Z14' lands. Material contravention of site coverage standards of the Development Plan would not occur in this case.

Site Area

12.2.17. Observers to the application refer to 12 car parking spaces along the north and northeast side of the school access road off Belmayne Avenue as not being located within the site. It is clear from the location map that these spaces are outside the site and I note that they are already in situ. The applicant does not intend undertaking works to these 12 car parking spaces and they are not accounted for in the quantum of car parking to serve the development. I also note that the applicant has submitted a letter from an adjoining landowner, the Department of Education and Skills, consenting to part of the development outside of the applicant's landholding, including the school access road and greenway route.

Housing Tenure

- 12.2.18. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department should be notified of the application. The minutes of a meeting of the Elected Members of Dublin City Council refer to minimal social housing being provided as part of the proposed development, while welcoming the fact that a build to rent scheme is not proposed.
- 12.2.19. Appendix 2A of the Development Plan addresses the supply of social housing in the city and requires 10% of units on all residential zoned land to be reserved for the purpose of social housing. The applicant has submitted Part V proposals that comprise the provision of 73 apartments (10%) to Dublin City Council in a mix of 37 one-bedroom, 33 two-bedroom and 3 three-bedroom units, all within block 5 of the development. The Housing Division of the Planning Authority has stated that the applicant has engaged with the Planning Authority on this matter and is aware of their obligations. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021 approximately two months prior to the lodgement of this strategic housing development application. Figure 16.3 of the Local Area Plan illustrating land ownership for the purposes of development phasing and implementation, refer to the application site as 'LM Unbuilt Developments Lands' and 'Stanley Unbuilt Lands', with Department of Education lands to the north of this. The application documentation states that the applicant completed the purchase of the subject property on the 18th day of January, 2019. Based on details contained in the application, as well as other applications relating to this wider landholding, it would appear that the applicant controlled the subject lands (excluding the Department's lands) after September 2015 and prior to August 2021, therefore, a 10% Part V requirement would appear to continue to apply. I am satisfied that Part V requirements can be finalised with the Planning Authority by means of condition, should the Board decide to grant permission for the proposed development.
- 12.2.20. Observers are seeking a proportion of the units to be available to purchase by local people. Based on the Regulation of Commercial Institutional Investment in Housing

Guidelines for Planning Authorities (2021), there is only a requirement to regulate investment in the proposed duplex units, as apartments, including the own-door townhouses within the apartment blocks, are exempt from a restrictive ownership condition. In the event of permission being granted, a condition should be attached to this effect to ensure an adequate choice and supply of housing within the development, including affordable housing.

12.2.21. In conclusion, I am satisfied that the details provided accord with the requirements set out within the relevant Guidelines, the proposed Part V provision is in accordance with statutory requirements and the overall social and affordable housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

Development Contributions

12.2.22. The Planning and Property Development Department of the Planning Authority refer to the need for a bond condition and various contribution conditions to be attached in the event of a permission. I am satisfied that a bond condition and a standard section 48 development contribution condition would be applicable and appropriate in this case. However, given that a shortfall in public open space would not arise, as highlighted below, a condition requiring the payment of a contribution in lieu of a shortfall in open space would not be applicable. Furthermore, the Planning Authority has failed to specify calculations or the specific exceptional needs for a special 'section 48(2)(c) North Fringe Development Contribution' to be applied and I am satisfied that a condition seeking a contribution in this regard would not be warranted in this case.

Residential Density and Unit Numbers

12.2.23. A residential density of 181 units per hectare is proposed. The Elected Members of the Planning Authority and the vast majority of observers to the application have referred to the proposed density of the development as being excessive for the site relative to planning policy, the density of existing developments to the north and the provision of public transport. A reduced density of development is requested by observers and Elected Members and it is stated that the material contravention process should not be used to circumvent development standards. Observers have

also referred to the 100 units per hectare residential density envisaged within Dublin City Council's Draft Belcamp-Belmayne Lane Masterplan 2020, however, I would note from the outset that the subject site does not fall within the area specifically covered by the Masterplan. The Planning Authority state that the overall target density of the Local Area Plan should not be taken as a limitation on increased densities and the subject development approach would be in line with the 'inward and upward' urban consolidation objectives of the National Planning Framework (NPF). The application documentation, including the Material Contravention Statement, provides the applicant's justification for the proposed residential densities and unit numbers, including reference to a range of strategic and statutory planning policy provisions.

12.2.24. There are various references within the Local Area Plan for the target density for the subject lands. Initially within section 7.6 of the Local Area Plan it is stated that a general minimum net density of 50 units per hectare should be achieved and that higher densities will be promoted within 500m walking distance of a bus stop or within 1km of Clongriffin rail station. Figure 7.7 of the Local Area Plan illustrates a band approximately 100m in width running parallel with the centre line of Main Street Boulevard on the south side of the application site, which is identified for 'sustainable high densities'. Such densities are defined in the Plan as generally of 50 units per hectare and above, with an upper limit not set. The application site extends for distances of a maximum 63m to 164m from the centre line of Main Street Boulevard, and figure 7.7 of the Local Area Plan illustrates that parts of the northern section of the site are within an area identified to achieve general target densities of 40 to 50 units per hectare with some flexibility for schemes achieving 35 to 50 units per hectare. The Local Area Plan sets out that densities of 35 to 50 units per hectare would only be suitable if the context is appropriate, including the formation of successful frontages onto streets and public open spaces, high-quality design standards and quality in the mix of housing to include own-door family housing.

12.2.25. Chapter 16 of the Local Area Plan also addresses the issue of indicative residential densities, and in reference to the 'Next Phase 4 Belmayne' development, which the proposed buildings on the application site would form part of, as well as existing housing within parts of the Parkside estate, including part of Walker Row, it is stated that this phase is envisaged as the higher-density location within the Belmayne area,

consolidating Main Street development, defining public open space areas and the approach to the town centre at the junction of the R107 and R139 regional roads. A transition is therefore expected in the Local Area Plan provisions moving from residential uses to mixed uses along the Main Street and around the community square, which the applicant refers to as a public plaza. The Local Area Plan states that densities should reflect this transition and achieve 50 units per hectare in general, with higher densities along the Main Street route. Chapter 16 also sets an indicative housing yield of 345 to 414 units for the 'Next Phase 4' lands.

12.2.26. A note accompanying figure 7.7 of the Local Area Plan states that net residential density targets are provided as 'general targets' to achieve sustainable higher densities, high quality design and mixed residential typologies, and not as ends in themselves. The net residential density of each residential planning application will only be guided by these general targets and will be the subject of detailed design considerations for a particular site and development management assessment.

12.2.27. While I acknowledge that the Local Area Plan does include references to general unit targets and indicative densities, the housing unit yield for the subject site (730) and 'Next Phase 4' area, including existing houses south of the greenway route, as well as the residential density assigned to the northern portion of the site outside of the higher-density band following Main Street Boulevard, would substantively exceed the guide targets and densities set out in the Local Area Plan for this area. Proposed and existing unit numbers would be approximately double the housing yield target for 'Next Phase 4', while densities in the northern area would be almost double the general target set for this part of the Local Area Plan lands. Consequently, I am satisfied that the proposed development could reasonably be considered to materially contravene the Local Area Plan with respect to residential density and unit numbers. I refer the Board to section 12.8 hereunder in relation to the issue of material contravention.

12.2.28. The Development Plan sets out that 'higher densities' will be promoted in areas such as SDRAs and within the catchment of high capacity public transport. The current Development Plan notes that one of the key objectives/guiding principles for the SDRA 1 North Fringe area, encompassing Clongriffin and Belmayne, is the achievement of a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities. Policy QH8 of

the Development Plan promotes the sustainable development of vacant or under-utilised infill sites and favourable consideration of higher density proposals that respect the design of surrounding development and the character of the area. Section 16.4 of the Development Plan states that proposals for higher densities must demonstrate how the proposals contribute to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods. These matters are further discussed below with respect to urban design and the amenities of the area.

12.2.29. The Development Plan does not define 'higher densities', nor does it set out a maximum limitation for residential densities. The Development Plan refers to the provisions set out in the Guidelines on Sustainable Residential Development in Urban Areas (2009), which I discuss further below, and which refer to locations such as this along public transport corridors being suitable for minimum net densities of 50 dwellings per hectare. In 2016 the Development Plan stated that 3,400 new homes had been completed in the subject SDRA lands within the North Fringe and these are envisaged to provide for approximately 8,000 new homes upon completion. The Development Plan does not specify how the approximate number of homes would be distributed within the SDRA, which contains substantive areas that remain to be completed. An observer has referred to 2,600 existing apartments within 750m of the application site, but no parties have asserted that over 8,000 new homes have been provided at this stage in the SDRA. I also note that the Development Plan only uses an approximate figure, which in itself would provide some leeway in this regard. Furthermore, the Planning Authority have erred in referring to the area as potentially accommodating 25,000 units, as this referred to the potential population based on plans for the area. Consequently, I am satisfied that the proposed development could not reasonably be considered to materially contravene the Development Plan with respect to residential densities or unit numbers.

12.2.30. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well designed higher density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures including (amongst others) in-fill development schemes and increased building heights. The NPF signals a shift in Government policy towards securing more

compact and sustainable urban development within the existing urban envelope. It is recognised that a significant and sustained increase in housing output and apartment type development is necessary.

- 12.2.31. The RSES for the region further supports consolidated growth and higher densities, as per RPO 5.4, which states that future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards. In relation to Section 28 guidance, the documents Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, all provide further guidance in relation to appropriate densities and support increases in densities at appropriate locations in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 12.2.32. The Guidelines on Sustainable Residential Development in Urban Areas (2009) state that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The Guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, which are locations within 500 metres walking distance of a bus stop (the application site is within 500m of bus stops serving two routes), or within 1km of a light rail stop or a rail station. With regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 12.2.33. The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes and in particular by the Local Authority and An Bord Pleanála. The Guidelines caution that due

regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities. Section 3.2 of the Building Height Guidelines refers to the need for a proposed development to be 'well served by public transport with high capacity, frequent service and good links to other modes of public transport'.

12.2.34. Observers to the application refer to local bus services as being both frequent and infrequent, as well as referring to their concerns regarding the capacity and of public transport in this area. I would note that capacity is intrinsically linked to frequency. Dublin Bus routes 15, 27 and 27x run along the R139 with bus stops approximately 370m walking distance to the southwest of the site and further bus stops serving route 15 along the Hole in the Wall Road, approximately 350m walking distance to the southeast of the site. Route 15 is a 24-hour service that operates every eight to ten minutes between 06:00 and 19:00 hours (Monday to Friday), while route 27 operates every ten minutes from 06:00 to 19:30 hours (Monday to Friday). I am not aware of any other public bus stops currently within 500m walking distance of the site, and under the Bus Connects project, the applicant notes the intention for a high-frequency bus service to be routed along Main Street Boulevard adjoining the site at some stage in the future. Routes 15 and 27 would provide connectivity would other bus services operating along the R107 regional road, including Dublin Bus routes 42 and 43. Route 15 provides connectivity with Clongriffin rail station.

12.2.35. I am satisfied that based on Dublin Bus timetables and guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours, the bus stops within easy walking distance of the application site feature 'high-frequency' bus services.

12.2.36. Observers to the application also refer to local bus services as often being delayed or not having capacity, and that there is no evidence of plans to improve public transport. Routes 15 and 27 currently operate using double-decker buses. The seated capacity of a double-decker bus varies between 65 and 75 passengers and the total capacity, including standing passengers, persons with disabilities and children in buggy's, also varies, but may add between 15 and 20 people to the overall loading that a bus may legally carry. Accordingly, for the purposes of my assessment I am estimating the capacity of the standard buses on routes 15 to 27 at

Dublin Bus stop 4595 on the R139 would average 85 passengers. Consequently, both the 15 and 27 routes would have at least capacity for 510 passengers per hour in both directions during peak time and daytime hours during the week. The information available suggests capacity for over 1,000 bus passengers per hour from the nearest bus stop on the R139.

12.2.37. In addition to the immediate bus stops, the site is also accessible to the DART rail services at Clongriffin, which I estimate to be approximately 1.05km to 1500m (15 to 20-minute walk) from the site, with access to high capacity services linking into Dublin city centre. Overall I am satisfied that the site would have access to high capacity and high frequency public transport services available in the immediate area, and these services would be suitable to accommodate the proposed development.

12.2.38. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing 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. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. The site is proximate to shopping facilities at Clarehall (0.9km) and Donaghmede (1.3km), high employment locations, including Malahide Road industrial estate 1.8km to the southwest, Baldoyle industrial estate 1.8km to the east and Dublin Airport 7km to the northwest, to high-capacity rail services 1.05km to 1.5km to the east at Clongriffin rail station and proximate to high frequency bus services. I am satisfied that the site is located in what can be described as an 'Intermediate Urban Location' and in accordance with the guidelines such locations can support 'medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net)'. The proposals would meet the density recommendations of the Guidelines by exceeding 45 dwellings per hectare. The Guidelines also state that 'the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning

factors' and I have had regard to all other relevant planning matters throughout this report in addition to the site location.

12.2.39. Having regard to national and local planning policy, I am satisfied that the site, which is within the Dublin City and Suburbs area of the Metropolitan area as defined in the RSES, is sequentially well placed to accommodate growth and in terms of the density proposed of 181 units per hectare, this is in compliance with minimum densities recommended under the various scenarios that are considered in existing section 28 guidelines referred to above, albeit subject to further assessment in relation to qualitative standards achieved and other planning matters. In such circumstances the Board may approve the development at higher densities than those provided for in the Local Area Plan

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

12.3. **Urban Design**

Layout and Massing

12.3.1. Section 16.2.1 of the Development Plan addressing 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm. The Local Area Plan seeks to ensure the creation of a new urban environment that will enhance and reflect the character of the area as it continues to develop. Various design features are outlined in the Local Area Plan to achieve an appropriate urban form, including reference to the means of addressing streets, spaces and parking. The Local Area Plan also highlights that basement car parks have an important role and benefit in design terms, providing scope for open space and movement, and the completion and delivery of connections would improve the legibility of the North Fringe area.

12.3.2. The applicant is proposing to construct two three-storey duplex blocks and five apartment blocks of single to nine storeys in height, generally sited onto the main routes serving the area, as well as the public plaza, which it would provide. Building

heights would step down from the plaza frontage initially, with further steps moving north into the site closer to the lower housing areas. Vehicular access would be from Belmayne Avenue and Main Street, with access roads connecting in with the existing network of residential streets to the north of the site. A pedestrian and cycle route connection cutting diagonally through the site off Belmayne Avenue would be completed and opened, and the development would be permeable for pedestrians and cyclists. Non-residential uses would open onto the public plaza, which would feature formal and informal external seating areas. Internal access to basement levels would be provided from each of the respective apartment blocks, while access to communal areas would be restricted to residents.

- 12.3.3. The applicant has provided a variety of material to rationalise their development designs, including an 'Architect's Design Report' and a 'Landscape Report'. The section titled 'Statement of Consistency and Planning Policy Review' of the applicant's Planning Report sets out how they consider the detailed design of the scheme meets the 12 principles of the Urban Design Manual. The layout for the proposed development is largely dictated by the Local Area Plan requirements, including the street and public spaces network, as well as the need to tie in with the existing developments to the north and address potential impacts on neighbouring properties.
- 12.3.4. Several observers welcome the frontage proposals along Main Street and Belmayne Avenue, while some have raised a variety of concerns regarding the layout and massing of the development, including the provision of unrelieved elevations creating a canyon effect with insufficient setbacks and open space areas. With regard to the massing of the development, the Planning Authority are generally satisfied with the applicant's stepped building approach in response to sensitive existing development. The Planning Authority are also satisfied that the public plaza on the southwest corner of the site would comply with the provisions sought under the Local Area Plan and the provision of non-residential uses onto this plaza, as well as Main Street, would address the need for activity and passive surveillance of these spaces.
- 12.3.5. A selection of seven views from locations along the perimeter of the development are illustrated in computer-generated images (CGIs) included within the application, which I am satisfied reveal that a legible layout and cohesive interface at surface

level would largely be provided for, including pedestrian and cyclist routes connecting with the wider network.

- 12.3.6. I consider the proposals to feature an appropriate design response relative to the primary constraints of the area, the context of the site within the Local Area Plan lands and the existing and permitted developments within the area, including the three-storey permitted post-primary school opposite the site to the south along Main Street. There is a clear relationship between the blocks, a hierarchy of open spaces, including overlooked walking routes and play spaces, and a reasonable setback from the existing housing areas to the north, west and east. The proposed non-residential uses within blocks 1, 2 and 5 would add greater levels of activity and interest to the development onto the public plaza and along the main thoroughfares, while the overall layouts are not dominated by car parking, due to the provision of basement structures to accommodate same. The proposed development creates strong urban edges with variety in heights along the main thoroughfares, avoiding the creation of monolithic blocks fully enclosing or excessively dominating the public realm, as well as openings for access and building heights responsive to neighbouring properties.

Building Heights and Scale

- 12.3.7. In the proceeding sections, I address the issue of building heights and scale, specifically with respect to lighting impacts, visual and residential amenities, microclimate and general appearance. A visual impact assessment of the development is dealt with as part of the EIA undertaken below.
- 12.3.8. The Planning Authority consider the overall approach to the proposed building heights across the site to be appropriate relative to planning provisions and the site context, including the stepping of the buildings downwards where closest to the housing areas to the north and the provision of greatest building heights along the primary street frontages announcing the Parkside residential quarter on key approaches. The Planning Authority refer to the scope provided in the Building Heights Guidelines for four-storey buildings and higher buildings, and the identification within the Draft Belmayne and Belcamp Lane Masterplan of an eight-storey building on the opposite intersection of Main Street and Belmayne Avenue to the southwest of the site. The Planning Authority assert that a similar level of development to that along the west side of Belmayne Avenue would be expected

along the opposite side of the street on the subject site. The Planning Authority also consider that there is precedent for increased building heights based on recent strategic housing development permissions in SDRA 1 lands and on the Local Area Plan lands;

- 12.3.9. Observers cite that the height of the development is out of character with surrounding prevailing building heights and as a result the proposals fail to comply with policy QH22 of the Development Plan, which requires new housing development to have regard to the character and scale of existing housing. The observers are seeking reduced building heights throughout, including onto the public plaza, maximum heights of four to five storeys onto the main streets and lower heights to the rear to provide a suitable transition in building heights with the lower housing areas in Parkside to the north. Consequently, the observers assert that the building heights would impact on the residential amenities of properties to the north, including schools and houses, by restriction of light.
- 12.3.10. The highest elements of the proposed development would comprise the five apartment blocks, which would range in height from one to nine storeys with a stated maximum height of 30m above ground level for block 1, while the maximum heights of the remaining four blocks would vary from 16.2m to 22.5m above ground level. Blocks with maximum heights of seven to nine storeys would front onto Main Street, while block 4 to the rear of these would feature five storeys. The two proposed duplex blocks would be 12.6m in height above their immediate ground level. Across the site there is a very gradual fall in ground levels of approximately 3m from the western boundary down to the eastern boundary, while there are not substantive differences in ground levels when compared with adjoining areas to the site.
- 12.3.11. The policy basis for my assessment of the proposed building heights is informed by both national and local planning policy. In terms of national policy, I assess the development against the Building Heights Guidelines, which provide a detailed national planning policy approach to the assessment of building height in urban areas. I have considered these Guidelines alongside other relevant national planning policy standards, including national policy in Project Ireland 2040 National Planning Framework, particularly NPO 13 concerning performance criteria for building height, and NPO 35 concerning increased residential density in settlements. I have had regard also to all observers' submissions, to the visual impact

assessment accompanying the EIA submitted, photomontages and CGIs, and the Architect's Design Statement, as well as my visit to the site and its surroundings.

12.3.12. In terms of local planning policy, I have had regard to the Development Plan and the Local Area Plan. In order to protect and enhance the skyline of the city and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the character of the city, policy SC17 of the Development Plan refers to the criteria, principles and development standards in chapter 16 of the Development Plan. Section 16.7.2 of the Development Plan sets 16m as the maximum height permissible for residential and commercial buildings in this low-rise area of the outer city outside of 500m from a rail hub. The Development Plan also states that there would be scope for mid-rise buildings up to 50m in locations such as the North Fringe, but that planning applications would be assessed against the building heights and development principles established in a relevant Local Area Plan and/or SDRA. The five proposed apartment blocks would fall into the category of mid-rise buildings that would exceed the 16m height limit criteria recommended for in this area. I am satisfied that the proposed development could reasonably be considered to materially contravene Development Plan policy SC17 with respect to building heights and the standards outlined in section 16.7.2 and it is open to the Board to consider the proposal in terms of a material contravention. I refer the Board to section 12.8 hereunder in relation to the issue of material contravention.

12.3.13. Policy UD07 of the Local Area Plan requires positive integration of new building heights with established character. The proposed development is higher than the two to three-storey housing to the north of the site, as well as the single-storey St. Michael's Cottages, although recent buildings constructed in the area, for example New Priory and the corner block to Belmayne Avenue and Main Street, feature heights up to six storeys. Locations identified in the Local Area Plan for special height character, include the Main Street Boulevard axis, in general providing for four to five storeys. Heights of two to six storeys, including a setback at the top floor of a five or six-storey building, may be facilitated along Main Street under the terms of the Local Area Plan, albeit subject to quality design criteria. The seven to nine-storey proposed elements along Main Street Boulevard would clearly exceed the standards within this Local Area Plan policy, as would the proposed building heights along Belmayne Avenue. Proposed block 4 featuring five storeys would not appear to be

situated in an area specified in the Local Area Plan for special height character and could also be considered to exceed the Local Area Plan building height parameters. The heights of proposed duplex blocks A and B are in character and similar to the heights of the duplex and housing blocks adjacent to the north. Consequently, I am satisfied that the proposed apartment blocks forming part of the development could reasonably be considered to materially contravene Local Area Plan policy UD07 with respect to building heights. As stated above, it is open to the Board to consider the proposal in terms of a material contravention and I again refer the Board to section 12.8 hereunder in relation to the issue of material contravention.

12.3.14. The Building Heights Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, Specific Planning Policy Requirements (SPPRs) and the Development Management Criteria under section 3.2 of these section 28 Guidelines have informed my assessment of the application. SPPR 3 of the Building Heights Guidelines states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2, then a development may be approved, even where specific objectives of the relevant Development Plan or Local Area Plan may indicate otherwise. Section 3.1 of the Building Heights Guidelines present three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines?
3. where the relevant Development Plan or Local Area Plan pre-dates these Guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant Plan or planning scheme does not align

with and support the objectives and policies of the National Planning Framework?

- 12.3.15. As noted and explained throughout this report by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres, I am satisfied that the proposed development meets the requirements set out in item 1 above. 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 NPF.
- 12.3.16. Item 2 above would not be met as part of the subject proposals. Blanket height limits relative to context are applied in the Development Plan, which I am satisfied does not take clear account of the requirements set out in the Guidelines and lacks the flexibility to secure compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations.
- 12.3.17. In relation to the question in item 3 above, it cannot be demonstrated that implementation of the policies of the Development Plan and the Local Area Plan, which predate the Guidelines, support the objectives and policies of the NPF.
- 12.3.18. Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town, at the scale of district/neighbourhood/street and at the scale of site/building, in addition to specific assessments. I am satisfied that this has been adequately demonstrated in the documentation before me and that the proposal has the potential to make a positive contribution to this area. This is discussed in detail hereunder and also in section 12.4 of this report.
- 12.3.19. Under the provisions of section 9(3) of the Act of 2016, where SPPRs of section 28 guidelines differ from the provisions of a Development Plan, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the Development Plan. The Building Heights Guidelines provide clear criteria to be applied when assessing applications for increased height, including SPPR 3(a) which provides that where an application for planning permission sets out how a development proposal complies with the criteria in section 3.2 of the Guidelines,

taking account of the wider strategic and national policy parameters set out in the NPF and the Building Heights Guidelines, then permission for such development can be granted, even where specific objectives of the relevant Development Plan may indicate otherwise. The applicant has provided a statement of consistency that sets out compliance with SPPR 3(a) of the Building Heights Guidelines. In principle, I am satisfied that there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR 3(a), which refers to the criteria in section 3.2 of the Building Heights Guidelines, as per table 5 below.

Section 3.2 Criteria: At the scale of relevant city/town

- 12.3.20. The first criteria under section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.
- 12.3.21. The applicant has provided detailed maps of the area showing public transport services, as well walking routes and distances both existing (drawing no. 200036-DBFL-TR-ST-DR-C-1001 Revision P02) and planned (drawing no. 200036-DBFL-TR-ST-DR-C-1002 Revision P02) for the immediate area. The existing bus stops are easily accessible for walking purposes with no steep terrain. Bus stops are identified on the layout plans for Main Street included as part of the application, which the Planning Authority are satisfied the proposed development would be capable of tying in with. The applicant has at times referred to Clongriffin Rail station as being within 1km of the site, while also stating that it is approximately 1.4km from the site. My calculations estimate that it would be a minimum of 1.05km directly from the closest part of the site and this distance would increase when taking a more indirect walking route.
- 12.3.22. Policy MTO12 of the Local Area Plan highlights the intention of the Planning Authority to liaise with Dublin Bus and the NTA on the operation of bus services in this area relative to the location of development, including housing. The Draft Transport Strategy for the Greater Dublin Area 2022-2042 prepared by the NTA sets out the intention to address fluctuations, including growth in travel demands, within areas such as the north fringes of the city, stating the following:

- 'In a developing region, travel demand patterns don't remain static and will evolve over time. As the forecast population grows, the demand for travel from each part of the city and region will change. For the light and heavy rail network, this growth will be addressed by increasing the frequency of services or the capacity of the vehicles, or both. In relation to the bus services, a similar approach will be taken where the response to demand growth will be to increase the frequency of service or to use larger bus vehicles or both.'

12.3.23. Following on from the consideration of densities above, I am satisfied that the site and proposed development is served by a high frequency, high-capacity public bus services within walking distance of this site, which link into the wider high-capacity public bus system, as well as rail services at Clongriffin.

12.3.24. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within the Metropolitan area. I am satisfied that the site is ideally located and well serviced with options to access existing high-frequency, high-capacity public transport routes, with links between modes, as well as increased access and connections available through more active modes of walking/cycling, with an array of services and amenities within walking and cycling distance. All road networks comprise a limited capacity in terms of accommodation of the private car and it is only through increasing the population at locations such as this, which are well serviced by public transport and have the capability for additional services as demand requires, will sustainable communities be developed. There is no documentary evidence, including on foot of review of NTA publications, to support observers' claims that there is a lack of capacity in the existing services. Overall, I am satisfied that the level of public transport currently available is of a scale that can support this future population, with alternative options of walking and cycling also of value given the proximity of the site to various services and amenities. Additional planned services in this area by way of BusConnects, including the bus route intended to operate along Main Street bounding the site, will be supported by providing for developments such as this, which will support a critical mass of population at this accessible location within the metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

12.3.25. Point two under this part of the section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm

of the area, having regard to topography, its cultural context, setting of key landmarks and the protection of key views. A Landscape and Visual Impact Assessment carried out by suitably qualified practitioners has been submitted as part of the EIAR, as required, in addition to photomontages/CGIs, an Architect's Design Statement and associated architectural drawings. I have viewed the site and surrounds from various locations. Visual impact assessment undertaken as part of the EIA below concludes that the proposed development in this urban area would not be unduly obtrusive or detract from the character of the wider area. No protected views, Architectural Conservation Areas or other architectural/visual sensitivities apply.

12.3.26. Due to its locational context, site size, and specific context completing the last remaining area within the Parkside urban cell, including the frontage onto the public plaza, Main Street and Belmayne Avenue, I am of the opinion that the site has the capacity to accommodate buildings of scale and support a variety of heights, which can integrate into or enhance the character and public realm of the area without undue detriment to the existing character or setting of the area. I consider the proposed development, including buildings heights stepping up from the neighbouring six-storey buildings would not appear out of character with the existing and emerging building heights in this area. The proposal has had adequate regard to its proximity to neighbouring properties and will not in my view negatively impact on their setting or amenity (see section 12.4 below). I consider the proposed development, having regard to its layout, design and finishes will enhance the architectural language of the area.

12.3.27. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that a public plaza and final section of a greenway route would be provided as part of the proposals. The proposed apartment blocks varying between one and nine storeys step upwards from the immediate adjoining building heights, allowing views into the site from Main Street, integrating layouts with neighbouring housing areas, as well as creating a strong urban edges onto Main Street Boulevard, Belmayne Avenue, the public plaza and the greenway route, would overall result in a positive contribution to the area.

Section 3.2 Criteria: At the scale of District / Neighbourhood / Street

- 12.3.28. The bullet points under this section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment and contribution to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure, the issue of legibility through the site or wider urban area and integration with the wider area and the contribution to building/dwelling typologies available in the neighbourhood.
- 12.3.29. Proposals respond positively to Local Area Plan objectives for the site, developing lands earmarked for substantive development since the early 2000s and finalising the last phase of development in the Parkside urban cell. Modulated building heights along sensitive boundaries would appear to effectively respond to the existing and future built environment. The design comprises buildings set away from each other at the upper levels to enable views into the site along the main frontages, avoiding monotonous enclosed terraces of high buildings, with materials chosen to respect the character of the area, including existing developments. Strong urban edges would be created with passive surveillance of the key linear greenway running through the site and the public plaza. Greatest heights are proposed onto the main public spaces and key thoroughfares.
- 12.3.30. In terms of how the development responds to the overall natural environment, I note the limited existing vegetation on site and the applicant's proposals incorporating trees and other planting within the development. I am satisfied that the development responds appropriately to the existing built environment and the design and form of the proposed buildings will contribute to the urban neighbourhood and streetscape. I note the proposed development will alter the visual character of the area, however, I consider that on balance this is consistent with emerging trends and is consistent with new development generally being at an increased scale, more appropriate to the urban context and accessibility of the area.
- 12.3.31. With regard to the consideration of the criteria relating to legibility, I consider the proposal, will make a positive contribution to the improvement of legibility in the wider urban area, particularly when the new road to the south is completed and the greenway is fully open, and with through routes integrating with the Parkside area to

the north. I am satisfied that the proposed development makes a positive contribution to legibility of this urban environment, dovetailing with the earlier phases of development to the north, stepping down building heights to reflect neighbouring building heights and integrating its layout with the existing and permitted local street network. I note the lower density housing typologies of the area to the north and the increasing densities being permitted along the more strategic routes within the wider area. I consider the design and layout as proposed has achieves higher densities, while respecting the character of the adjoining areas.

12.3.32. The requirements of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) have been complied with as part of the applicant's submission of a Site Specific Flood Risk Assessment, which is addressed further below.

Section 3.2 Criteria: At the scale of site / building

12.3.33. As per the Building Heights Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in section 12.4 the impact of height on the amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy. I consider the form, massing and height of the proposed development has been well considered and issues in relation to sunlight/daylight/overshadowing have been adequately addressed (see sections 12.4 and 12.5 hereunder).

Section 3.2 Criteria: Specific Assessments

12.3.34. A number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight, noise impact and micro-climate issues (as listed in section 3 above and referenced throughout this report), which I consider are sufficient to assess a development of the scale proposed. AA screening, a Bat Assessment and an EIAR containing a biodiversity impact assessment have been submitted as part of the application to demonstrate no significant impact on ecology, and no likely adverse impact on protected habitats or species, including bats and birds. Proposals do not provide for tall buildings with likely impacts for telecommunication channels and the EIAR submitted only predicts potential for temporary impacts on utility services, which would be limited via liaison with the respective providers. Proposals do not provide for tall buildings with likely

impacts for safe air navigation and the site is not within a Dublin Airport Public Safety Zone based on Development Plan zoning maps. SEA is not required or applicable and an EIAR has been submitted, as well as an AA screening report and a Bat Assessment. I am satisfied that adequate information has been submitted to enable me to undertake an assessment of the impact of the proposed development.

Building Heights and Scale Conclusion

12.3.35. Overall, I am satisfied that the proposed development would add visual interest, would make a positive contribution to the area and would improve legibility with the height, scale and massing acceptable in townscape and visual terms. I am satisfied that the proposed development would contribute to the sustainable and compact growth of the area.

12.3.36. The Board may in such circumstances approve such development for higher buildings, even where specific objectives of the relevant Development Plan or Local Area Plan may indicate otherwise, as per SPPR 3. In this regard, while the height is greater than the standard heights outlined within the Development Plan and within the Local Area Plan and would be greater than the height of existing neighbouring buildings, I am satisfied that the proposed development would provide for a strong well designed urban form at this highly accessible and serviced site, and the building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas.

Architectural Details, Materials and Finishes

12.3.37. The applicant states that the design and materials chosen for the apartments complements the existing residential developments within Parkside, Belmayne and New Priory. The scale and form of the apartment blocks combined with the proposed materials and the palette of colours are asserted by the applicant to visually harmonise and integrate the entire residential scheme.

12.3.38. There would be a consistent architectural language throughout the scheme with the use of extensive brick elements, large openings and framing, as well as alternative use of materials to vertically articulate and break up building elevations. The massing of buildings would be broken up by a variety of materials providing visual interest in the designs. The applicant's rationale for the materials chosen would appear reasonable given the site context relative to existing adjacent buildings,

including New Priory. The proposed primary use of brick to the main façades would provide a robust, low maintenance and long-lasting finish to the buildings, however, as noted by the Planning Authority, the use of render is generally discouraged due to its tendency to discolour or spoil overtime. The applicant's Building Life Cycle Report refers to minor repairs and preparation for decorations of rendered areas every 18 years, however, based on use of render in similar contexts, this material is likely to spoil and discolour much quicker. I recognise that the applicant asserts that the use of white render can increase reflectance and subsequent daylight provision to apartments, however, this would be dependent on render not spoiling or discolouring and a more consistent and secure approach would be to use a light-coloured brick finish to these courtyard elevations. The Planning Authority require a condition to provide for a revised material to be used on the internal courtyard elevations to the blocks, where render finishes are extensively proposed, and I consider this to be a reasonable request from an urban design and visual amenity perspective. The Planning Authority also require an alternative brick finish to differentiate the childcare facility in block 4, however, I am satisfied that the applicant's proposal to provide a rendered band demarcating the childcare facility, visually separating it from the residential uses above, would suitably address this.

12.3.39. The Planning Authority refer to the necessity for various features to be incorporated into the designs, in order to soften the appearance of the four single-storey ancillary buildings to be located in various locations on site. These buildings would accommodate bike stores, electricity substations, plant and bin stores. I recognise that there is a minor discrepancy in the location of the bin and bike stores colour-coded on drawing (no.18020 PL011). In line with the Planning Authority request, there would be limited merit in incorporating green roofs into these structures but there would be merit from a visual amenity perspective for these buildings to be finished in brick to complement their host apartment blocks. However, I do not consider it necessary or practical for these modest scale low-profile structures to require fitting with green roofs or pergola structures, as per the Planning Authority's request. The location and number of electricity substations may potentially change following engagement with ESB networks according to the applicant. The Planning Authority also require pergolas to the ramp accesses and I note that the landscape

plans identify that steel-wire pergola trellises would be provided over the access ramps to basement level.

12.3.40. In conclusion, there is variety in the scale and a consistency in the rhythm and proportions of the proposed buildings, and I am satisfied that the proposed scheme is of a contemporary design that would make a positive contribution towards place-making in the area. For the most part, high quality materials are proposed throughout the development, which together with the proposed contemporary architectural composition would enforce the urban design principles set out in the Local Area Plan.

Public Open Space

12.3.41. The applicant initially addresses the potential for the development to materially contravene the Development Plan with respect to public open space provision, but subsequently concludes that this would not arise. Observers to the application assert that proposals feature an insufficient provision of public open space relative to the Development Plan standards. Section 16.10.3 of the Development Plan states that 'the design and quality of public open space is particularly important in higher density areas'. There is a requirement in the Development Plan for 10% of 'Z14-zoned' lands to be provided as meaningful public open space in development proposals. The applicant asserts that 4,675sq.m of open space would be provided in total within the development, including a public plaza and a section of the greenway route measuring 4,210sq.m and a pocket park measuring 465sq.m, which represents approximately 12% of the overall site. The hierarchy and function of the various open spaces to serve the development and the public are indicated within the applicant's Landscape Report and drawing no.PL03, including the proposed public and communal open spaces, which would be of varying function distributed throughout the development, accessible and overlooked by residential buildings. Between 79% and 100% of the public plaza, greenway and pocket park southeast of block 4 would receive at least two hours of sunlight on the 21st day of March, which is greater than the 50% requirement sought in the BRE 209 standards.

12.3.42. The Local Area Plan requires the provision of a community square as part of the 'Next phase 4' development and policy UDO3 promotes public spaces that provide both passive and active recreation and a connection to those forms of activities in

the surrounding area. The greenway route cuts diagonally through the site off Belmayne Avenue and connects with Fr. Collin's Park to the northeast.

12.3.43. Observers raise concerns regarding the design and quality of the public plaza. The Local Area Plan requires such spaces to be designed with a sense of enclosure and it is evident from the CGIs of this space that this would be provided for. The Local Area Plan also sets out that this plaza should provide a space to meet, to interact and to rest along the greenway route, incorporating landscaping and nature into a higher density urban setting. Extensive details of the features and materials within the public space are provided as part of the applicant's Landscape Report and I am satisfied that the design would readily meet the stated objectives of the Local Area Plan for this area. The Planning Authority appear satisfied with the details in this regard and they also request the final materials and detailing, including the hard landscaping finishes, to be addressed via condition in the event of a permission for the development. I am satisfied that this would be a reasonable request.

12.3.44. The report from the Parks, Biodiversity and Landscape Services section to the Chief Executive of the Planning Authority requires the attachment of standard conditions relating to landscaping and open space management, while the Planning Authority consider the proposed public plaza to comply with the community square objective of the Local Area Plan.

12.3.45. I am satisfied that the necessary quantum, function and lighting for the public open space required to serve the development would be provided as part of the overall development on this landholding. The proposed open space provision would not contravene the policies of the Development Plan or the Local Area Plan and the development would fulfil objectives of the Local Area Plan in providing public open spaces of varying function to serve the proposed development and the neighbouring communities.

Public Lighting

12.3.46. A public lighting drawing (no.SES 12021) and a site lighting report have been submitted as part of the application identifying likely illumination levels relative to the proposed lighting stands to be used within the proposed development. The Planning Authority recommended that further lighting details for play areas and an architectural lighting plan for the plaza be agreed prior to its development or prior to

the first installation of street-lighting on site and any external lighting should comply with the Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light'. The applicant's Bat Assessment report also requires the finalised public lighting to be designed cognisant of potential impacts on bats. I am satisfied that the details submitted reveal that high-quality street lighting, as sought in objective UD04 of the Local Area Plan, can be provided as part of the development. Finalised lighting can also be agreed as a condition in the event of a permission to address matters raised by the Planning Authority with respect to the plaza, play areas and bats.

Public Artwork

12.3.47. Notwithstanding that the Parks, Biodiversity and Landscape Services of the Planning Authority stated that the communal and public open spaces meet the Guidelines and Development Plan requirements, they require the provision of public artwork in the plaza to enhance its identity. The applicant has provided details of the layout for this plaza in drawing no.18D06b-DR-201. In addressing the need to ensure high quality streetscapes are achieved, objective UD04 of the Local Area Plan refers to the use of various features, including public artwork. I am not aware of other public artwork being provided within the immediate or wider Parkside urban cell and the applicant is intending to create an important destination and landmark for the North Fringe community at this public plaza, at the junction of two main routes and at a terminus to the greenway. Consequently, I am satisfied that there would be merit from an urban design perspective and a planning requirement for public artwork to feature as part of the enhancement of the public plaza space and a condition to this effect should be attached in the event of a grant of permission.

Conclusion

12.3.48. Subject to conditions, I am satisfied that the overall layout, massing and design of the scheme would provide a logical, practical and legible response in developing this site from an urban design perspective, particularly considering the emerging context for the site, in accordance with the principles set out in the Local Area Plan, the Development Plan, the Urban Design Manual and the NPF.

12.4. Impacts on Local Amenities

12.4.1. When considering applications for development, including those comprising apartments, the Development Plan requires due consideration of proposals with respect to the potential for excessive overlooking, overshadowing and loss of sunlight or daylight. Observers to the application and the Elected Members of the Planning Authority raise a range of concerns with respect to impacts on neighbouring properties, which I address under the relevant headings below. The Planning Authority noted the impacts of the development on lighting to the neighbouring residences, as well as specifying measures to address overlooking of properties, however, they did not object to the impact of the development on residential or local amenities. Contiguous elevations detailing neighbouring buildings and levels have been provided. The amenities of future residents of the subject proposed development are considered separately under section 12.5 below, therefore, this section solely focusses on the amenities of neighbouring residents and properties.

Context

- 12.4.2. The nearest existing residential buildings include New Priory apartments on the eastern boundary of the site, which would be approximately 3.5m from the closest point of block 3, the nearest of the proposed structures. A low-level bicycle and bin store is also proposed on the eastern boundary approximately 12m from block 9 of the New Priory apartments. Block 3 would feature six-storeys and would have a stated roof parapet height of +38.15m, which would be approximately 2m higher than the adjacent six-storey New Priory block 9, which appears to be situated on slightly lower ground. Block 3 would extend 10m behind the rear building line of New Priory block 9.
- 12.4.3. Block 3 would be approximately 8m from the nearest of the rear gardens in St. Michael's Cottages and would be a stated 66m from the rear elevation of nos.5 and 6 St. Michael's Cottages. Duplex block A featuring three-storeys and storage areas in the roof space would be 11m from the rear garden of no.6 St. Michael's Cottages and over 37m from the rear elevation of this cottage.
- 12.4.4. Duplex block A with a ridge height at +30.675 would be the closest proposed building to housing to the north, including the two-storey house at no.16 Walker Row, which is on a similar ground level and would be located a stated 18.76m to the north of

duplex block A. Housing in Walker Green on the opposite side of the pocket park would be over 52m from duplex block A. Nos.16 to 20 Walker Green would be a stated 25.69m from duplex block A with existing roof ridge height (+27.89m) approximately 3m below that of proposed duplex block A. The housing surrounding the pocket park at Walker Green would have roof ridge heights approximately a minimum of 3m below that of duplex block A and 10m below the six-storey parapet to block 3.

- 12.4.5. Block 2 would be a stated minimum of 20.31m from the nearest housing to the north along Walker Drive, which are on slightly lower ground. The highest parapet to block 2 would be between 5.84m and 11.29m above the roof ridge height to three-storey housing along Walker Drive. The six-storey element of block 3 would be 7.6m above the roof ridge height of housing in Walker Drive with a separation distance of approximately 29m. The roof ridge to duplex block B would be between 2m and 3m higher than that of the nearest neighbouring buildings in Walker Grove and Walker Close. The closest part of the five-storey element to block 4 would be over 50m from the nearest housing to the northeast.
- 12.4.6. Duplex block B with a ridge height at +31.14m would be the closest proposed building to two and three-storey housing and duplex blocks within Walker Close and Walker Grove. Duplex block B would be between 23.5m from the duplexes to the northeast in Walker Grove and 32m from the two-storey houses to the east in Walker Close.
- 12.4.7. The six-storey rear element to block 5 would be over a stated 24m from Belmayne Educate Together, while block 4 and duplex block B would be approximately 17.7m from this school. The closest six-storey section of block 5 would have a parapet height approximately 9m above that of the three-storey Belmayne Educate Together primary school. Block 5 would be a stated minimum of 22.47m south of the three-storey St. Francis of Assisi Primary School building. The mono-pitch roof ridge height to St. Francis of Assisi Primary School building would be 5m below the roof parapet to the nearest element of block 5, which features five storeys.
- 12.4.8. The five to seven storey elements of block 5 would be 26m to 42m from the three to six-storey buildings on the opposite side of Belmayne Avenue, which feature residences at ground and upper levels, as well as commercial ground-floor uses.

The tallest nine-storey element of the development within block 1 would be almost 70m from the nearest residence in the six-storey block along Belmayne Avenue and would be approximately 90m from the corner of Main Street and Belmayne Avenue, where the Planning Authority and observers highlight would be subject of a landmark building based on draft Masterplan proposals for this area to the southwest.

12.4.9. The post-primary school under construction to the south of Main Street Boulevard would be a stated 31.89m from the closest eight-storey section of block 1, which would be approximately 13m higher than the ridge height of the school.

12.4.10. All other existing buildings are a substantive distance from an amenity perspective to the application site. Given this context, a key question for this part of the assessment is whether or not the proposed development would unduly interfere with the amenities of the existing and permitted neighbouring properties in a manner that would require refusing permission or altering of the proposed development.

Overlooking and Loss of Privacy

12.4.11. In discussing standards specifically with respect to houses, the Development Plan and Local Area Plan refer to the traditional standard separation distance requiring 22m between the rear of two-storey houses and provisions for this to be relaxed where it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. The Sustainable Residential Developments in Urban Areas - Guidelines for Planning Authorities (2009) also recommend for privacy reasons this traditional 22m separation distance between opposing upper-floor windows, while recognising that this may be impractical and incompatible for infill development. While not directly applicable in assessing new apartment developments, this traditional standard can be used as a guide in assessing the adequacy of the proposals with respect to the potential for excessive overlooking between the proposed apartments and the existing and permitted properties.

12.4.12. Observers assert that the proposed development would result in overlooking of residential properties, including those located along Belmayne Avenue, Walker Close, Walker Drive, Walker Row, Grattan Lodge, New Priory and the Hole in the Wall Road. Properties in Grattan Lodge and along the Hole in the Wall Road are over 100m from the proposed buildings and separated from the site by numerous

other properties, therefore, impacts on the amenities of residents of these properties would not reasonably arise.

12.4.13. The Planning Authority recommend amendments to the east-facing elevations of block 3 facing New Priory and St. Michael's Cottages. I note that the element of block 3 extending along the access road facing St. Michael's Cottages and New Priory, would be 40m from these adjoining property boundaries and I am satisfied that this context provides sufficient distance from neighbouring properties to avoid undue excessive direct overlooking. The section of block 3 closest to New Priory would feature east elevation windows to the front apartments and internal hallways at upper level that would look directly onto the blank gable elevation of New Priory. Consequently, direct overlooking of residences from these windows would not arise. However, the rear apartments (nos.442, 445, 449, 453 and 457) feature side elevation windows perpendicular to the rear elevation windows on New Priory approximately 8m to the southeast. Consequently, there would be some scope for overlooking into these neighbouring residences, including semi-private space to the rear and a fourth-floor private terrace. The east-facing windows to these five apartments should be omitted or fitted with opaque glazing, as should their balconies be fitted with 1.8m-high screens along their eastern ends. There may be some scope for revised internal kitchen layouts to allow for south-facing replacement windows serving these apartments based on the details submitted and the context relative to New Priory block 9 gable, as illustrated on the site plan (drawing no.PL002). A condition should be attached to address this in the event of a permission being granted.

12.4.14. Duplex block A would feature windows on the side elevations serving first-floor living/kitchen/dining rooms and second-floor ensuite bathrooms. The Planning Authority recommend treating these windows to address overlooking of housing to the west along Walker Green/Walker Drive and to the east facing St. Michael's Cottages. The upper-floor ensuite bathroom windows are already proposed to be fitted with 'obscure' glazing based on the drawings submitted. The first-floor windows would directly overlook the public realm and would be 11m from the rear gardens of St. Michael's Cottages and 22m from the corner house to the west on Walker Green. Consequently, I do not consider it necessary for amendments to these windows given the separation distances achieved. In fact I would suggest that

there is merit in maintaining these windows, as they would provide passive surveillance of the public realm.

12.4.15. I note that the end house at no.16 Walker Row is dual fronted, facing west onto the green and south towards the location of proposed duplex block A. The layout and separation distance between duplex block A and no.16 is similar to the existing pattern of housing within the wider Parkside area and the buffer provided by the provision of public realm between these residences would obviate the potential for excessive direct overlooking between these properties. This would also be the case for proposed duplex block B relative to the existing houses and duplexes within Walker Grove and Walker Close, which have a very similar context that is typical of the immediate residential area.

12.4.16. The relationship between block 2 and housing along Walker Drive is best visualised with context elevation 07 on drawing no. PL603. The Planning Authority recommend that north-facing windows in apartments within the central element to block 2, including apartment 275, should be redirected away from the corner house at no.1 Walker Close, which is adjacent to Walker Drive. Similar to no.16 Walker Row, this is also a dual-fronted house and it would feature a side garden onto the public realm and a private rear garden on the east side over 20m from the nearest windows in block 2. This separation distance and the buffer created by the public realm, including pathways, roads and parking bays, would ensure excessive direct overlooking from block 2 into housing areas to the north would not arise and a condition to amend windows would not be warranted in this situation.

12.4.17. Several observers welcome the passive surveillance provided by apartments overlooking the greenway, however, several observers refer to excessive direct overlooking of the adjacent schools. I have described the context of both existing schools and the school under construction adjacent to the site and I note that all of these schools feature windows facing towards apartment windows and balcony areas within the development. The schools would be separated from the proposed apartments by either an access road, the greenway or Main Street, which would obviate the potential for excessive direct overlooking and the juxtaposition of the schools relative to the apartments and vice versa is typical of an urban setting with efficient use of land and development fronting directly onto streets. A similar typical urban setting would also arise along Belmayne Avenue, where substantive

separation distances and a buffer provided by the roadway, footpaths and parking bays would readily obviate the potential for excessive direct overlooking of neighbouring residence to the west from the upper-floor apartments and associated balconies within block 5.

12.4.18. I consider that the separation distances that would be achieved from neighbouring residences would be typical for a developing urban setting and the provision of landscaping and intervening public routes between residential blocks on and off the site would offer additional visual distraction and buffers between residences. I am satisfied that other than the measures referred to with respect to block 3 apartments, no additional measures would be required to reduce the potential for overlooking from the proposed development. Furthermore, the proposed development would not substantially inhibit the future development potential of neighbouring lands, including the low-density properties within St. Michael's Cottages adjoining to the east. I consider the impacts on privacy for residents of the proposed apartments separately under section 12.5 below.

Outlook and Overbearing Impacts

12.4.19. The proposed development would be visible from schools, as well as the private amenity areas and internal areas of apartments and housing bordering the site. Consequently, it would change the outlook from these neighbouring existing and permitted properties. Having visited the area and reviewed the application documentation, including the photomontages and CGIs, which I believe to provide a reasonably accurate portrayal of the completed development, I consider that the extent of visual change that would arise for residents with views of the development, would be reasonable having regard to the separation distances, as referred to above, the emerging urban landscape and as a contemporary development of this nature would not be unexpected in this area owing to the planning history of the site and the development objectives for the site, as contained in statutory plans for this area.

12.4.20. A key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties, particularly as these matters have been raised in observations to the application. The proposed

development clearly exceeds the prevailing lower residential building heights of the area to the north and steps up the building heights along Main Street and Belmayne Avenue above those presently existing. The most sensitive existing, permitted and proposed building height differences and the minimum separation distances between these buildings are detailed above under the subheading 'context'.

12.4.21. CGI views 5 and 7 of the applicant's Verified Photomontages booklet illustrate the appearance of the development closest to housing areas to the north. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest houses, with an open outlook and sky view maintained for neighbouring residences. The stepped and modulated design of the proposed apartment blocks and duplex blocks, coupled with the separation distances from the existing housing and schools, is such that where visible from neighbouring properties the proposed development would not be excessively overbearing. CGI view 6 also provides an image of the development along the greenway route, and while I note the height of the seven and nine-storey buildings onto the greenway, there would be sufficient intervening space between the buildings to ensure that the buildings are not excessively overbearing onto this pedestrian and cycle route, as it approaches the public plaza.

Impacts on Lighting

12.4.22. In assessing the potential impact on light access to neighbouring properties where the occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing residences through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including parks and gardens. The Planning Authority acknowledge the applicant's submission on daylight to existing adjoining buildings and properties. Observers raise concerns regarding the results of the applicant's sunlight and daylight analysis, which they state identify that the proposals would result in reduced sunlight and daylight for neighbouring schools and houses and would result in failure to meet the minimum required annual and winter sunlight, as well as vertical sky component for neighbouring properties.

12.4.23. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, in order to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides such as BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (P.J. Littlefair, 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the Planning Authority or An Bord Pleanála should apply their discretion, having regard to local factors, including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and a streetscape solution. Section 6.6 of the New Apartments Guidelines also states that Planning Authority's should have regard to the BRE 209 and BS 8206-2: 2008 standards.

Light from the Sky and Sunlight

12.4.24. The applicant has provided a Sunlight and Daylight Access Analysis relying on the standards of the BRE 209 and BS 8206-2 guides, which provides an assessment of the effect of the proposed and previously permitted development on the vertical sky component (VSC) and annual probable sunlight hours (APSH) achievable at neighbouring windows, as well as the effect on sunlight to outdoor amenity areas.

12.4.25. I acknowledge that an updated BS EN 17037:2018 'Daylight in Buildings' guide replaced the BS 8206-2: 2008 in May 2019 (in the UK), however, I am satisfied that this document/updated guidance does not have a material bearing on the outcome of my assessment and that the relevant guidance documents remain those referenced in the Building Heights Guidelines (i.e. BRE 209 and BS 8206-2: 2008).

12.4.26. The BRE 209 guidance on daylight is intended for rooms in adjoining houses where daylight is required, including living rooms, kitchens and bedrooms. It is also applicable for existing non-domestic buildings, such as schools, where the occupants

have a reasonable expectation of daylight. When considering the impact on existing buildings, criteria is set out in figure 20 of the BRE 209 Guidelines and this can be summarised as follows:

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

12.4.27. The tests above are a general guide only and the BRE 209 guidance states that they need to be applied flexibly and sensibly with figures and targets intended to aid designers in achieving maximum sunlight and daylight for residents and to mitigate the worst of the potential impacts for existing residents. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues and impacts may arise and also to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin metropolitan area, the need for increased densities within zoned, serviced and accessible sites and the need to address impacts on existing residents, as much as is reasonable and practical.

12.4.28. Separation distances from numerous existing residences and schools to the proposed blocks would be less than three times the height of the new building above the centre of the main windows, therefore, based on the BRE 209 guidance a detailed daylight assessment is required. The baseline and proposed VSC for 144 windows along the east-facing elevation to residences on the opposite side of Belmayne Avenue to the application site, are set out in the applicant's Sunlight and Daylight Access Analysis. Baseline and proposed VSC is also assessed for the rear 24 windows in the adjacent New Priory block, 20 windows to nos.5, 6, 7 and 8 St. Michael's Cottages, 46 windows in Parkside Place, 42 windows in Parkside Drive, 27 windows in Parkside Square, 22 windows in St. Francis of Assisi Primary School, 29 windows in Belmayne Educate Together Primary School, 13 windows in Walker Grove, 27 windows in Walker Close, 22 windows in Walker Drive, 34 windows in Walker Green and five windows in no.16 Walker Row. I am satisfied that the VSC assessment has been targeted to existing neighbouring windows, rooms and houses that have greatest potential to be impacted and would be representative of the worst-case scenario. I also recognise that for comprehensiveness the applicant undertook VSC assessment with respect to 22 windows in the permitted, but not yet existing, Belmayne Educate Together Post-Primary School.

12.4.29. According to the applicant, with the proposed development in place, 430 of the 477 windows tested (90%) would have a VSC value greater than 27% or not less than 0.8 times their former value. The level of change in VSC for housing in nos.11-16 and 20-29 Belmayne Avenue (90% to 100%), New Priory (82% to 100%), nos.5, 6, 7 and 8 St. Michael's Cottages (93% to 100%), Parkside Place (97% to 100%), Parkside Drive (96% to 100%), Parkside Square (98% to 100%), Walker Grove (86% to 100%), Walker Close (82% to 91%) and Walker Green (90% to 97%) is estimated as being within 0.8 to 1.00 ratio of the proposed VSC to the baseline VSC, within the recommended guidance limits (0.8) and each of their tested windows would have a VSC value of greater than 27% with the development in place. For the five tested windows in no.16 Walker Row the ratio of change in VSC from the baseline VSC to the proposed VSC is estimated as being within the range of 0.78 and 0.85, with only one window at ground floor falling below the 0.8 ratio requirement, although this window would have a VSC value of 28.5% and a secondary window serving the same room on the western elevation. A 'negligible impact' would arise for these

properties based on the BRE 209 standards (VSC value >27%) and, as such, I am satisfied that the proposed development would not result in occupants noticing a substantive reduction in the amount of skylight to these residential windows.

12.4.30. VSC values of between 22.4% and 29.46% have been calculated for the windows tested in Walker Drive and no.1 Walker Close. The ratio of change within the range of 0.58 to 0.76 for all 22 tested windows along Walker Drive and no.1 Walker Close, would fall below the minimum 0.8 ratio of change required in the BRE 209 guidance. Of the 22 windows tested along this street, 13 ground and first-floor windows would fail to meet the 27% VSC value.

12.4.31. VSC values of between 15.1% and 35.55% have been calculated for the windows tested in nos.30-35 Belmayne Avenue with a ratio of change within the range 0.55 to 0.91. Of the 37 windows tested along this street, 18 windows would fail to meet the 27% VSC value, although one of these windows would exceed the 0.8 ratio of change, resulting in 17 failing to strictly adhere to the requirements in the BRE 209 guidance.

12.4.32. VSC values of between 8.01% and 37.88% have been calculated for the 40 windows tested in nos.36-72 Belmayne Avenue with a ratio of change within the range 0.46 to 1.13. Of the 25 windows that would fail to meet the 27% VSC value, ten would exceed the 0.8 ratio of change required in the BRE 209 guidance and 12 windows would be below a VSC value of 15%. A total of 15 windows along this façade would fail to strictly adhere to the requirements in the BRE 209 guidance.

12.4.33. VSC values of between 27.01% and 34.95% have been calculated for the 29 windows in St. Francis of Assisi Primary School, therefore, enough skylight should still be reaching these windows based on the BRE 209 guidance. VSC values of between 21.26% and 35.44% have been calculated for the windows tested in Belmayne Educate Together Primary School. Of the 29 windows tested on the southwest and southeast elevation of the school, 13 would fail to meet the 27% VSC value or the minimum 0.8 ratio of change required in the BRE 209 guidance. VSC values of between 24.55% and 29.90% have been calculated for the 22 windows tested in the permitted Belmayne Educate Together Post-Primary School. For all of the tested post-primary school windows the ratio of change (0.65 to 0.78) would fall below the minimum 0.8 ratio of change required in the BRE 209 guidance. Of the 22

windows tested on the north elevation of the post-primary school, seven would fail to meet the 27% VSC value.

12.4.34. As part of the Sunlight and Daylight Access Analysis the applicant has also calculated the effect on the APSH for 151 neighbouring housing and schools requiring testing based on the assessment criteria within the BRE 209 Guidelines. The BRE 209 Guidelines state that in order for a proposed development to have a noticeable effect on the APSH of an existing window, the following would need to occur:

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

12.4.35. According to the applicant, with the proposed development in place, 126 of the tested windows (83%) would have an annual APSH value greater than 25% or not less than 0.8 times their former value, while 128 of the tested windows (85%) would have a winter APSH value greater than 5% or not less than 0.8 times their former value.

12.4.36. The applicant's study indicated that with the development in place APSH values of 37% to 61% and winter probable sunlight hour values of 10% to 20% would be achieved for St. Francis of Assisi Primary School to the north of the site. These values are well in excess of the initial target BRE 209 APSH annual values of 25% and winter values of 5%. For one ground-floor southwest elevation window in the Belmayne Educate Together Primary School, with an annual APSH value of 23% and a ratio of change of 0.47, this would fall marginally below the 25% requirement and below the minimum ratio of change.

12.4.37. For all of the 20 tested windows in 20-29 Belmayne Avenue, the BRE 209 recommended annual APSH values would be attained, although for four of these windows the recommended winter APSH value would not be achieved as they would have winter APSH values between 0.49 and 0.72 times of their former value. For all except one window of the 20 tested along Walker Drive and no.1 Walker Close, one ground-floor south elevation living-room window would fall marginally short of the winter APSH value at 4.8%, while featuring a winter APSH ratio of change of 0.17.

- 12.4.38. The applicant's study indicated that with the development in place APSH values of 16% to 64% and winter APSH values of 1.4% to 26.4% would be achieved for nos.5, 6, 7 and 8 St. Michael's Cottages to the east of the site. Three of the seven tested windows would fail to achieve the minimum annual and winter APSH values, while one additional window in these cottages would fail to meet the winter APSH value.
- 12.4.39. With the development in place the applicant's study indicated that for 12 of the 19 tested windows, APSH values for nos.30-35 Belmayne Avenue to the west of the site would not comply with the annual and winter APSH values. Annual APSH values of between 6.8% and 27% and winter APSH values of 1.3% to 9% were calculated for these windows. Two additional windows would fail to meet the winter APSH value and another window would fail to meet the annual APSH value.
- 12.4.40. With annual APSH values between 7.9% and 45% and winter APSH values between 2% and 18.9% and a ratio of change for annual APSH values between 0.66 and 1.13 and for winter APSH values between 0.78 and 1.88, seven of the 34 tested windows along nos.36-72 Belmayne Avenue would fail to meet the minimum APSH value targets recommended in the BRE 209 guidance with the proposed development in place.
- 12.4.41. Based on my review of the data presented for the 477 windows tested for VSC values, 45 residential windows (9.4%) and 20 school windows (4.2%) or 13.8% in total would fail to strictly accord with the BRE 209 guidance. These windows would be in Walker Drive and no.1 Walker Close (13), nos.30-35 Belmayne Avenue (17), nos.36-72 Belmayne Avenue (15), Belmayne Educate Together Primary School (13) and Belmayne Educate Together Primary School (7).
- 12.4.42. For all of the tested windows in the houses and schools neighbouring the proposed development, the applicant asserts that where the resultant VSC values would fail to meet the >27% requirement, this would be acceptable based on guidance contained in section 2.1.6 of the BRE guide, which stipulates that special measures would need to be employed where a VSC value of 15% and 27% would arise. Such measures could comprise changes to room layouts or larger windows. The applicant asserts that 'special' compensatory measures would be achieved for all impacted rooms by virtue of them being served by larger than conventional windows.

12.4.43. Only window no.19 in Belmayne Educate Together Primary School would fail to meet the BRE 209 guidance values with respect to either VSC or APSH. Furthermore, testing would also indicate that only one window in the Parkside development to the north, a ground-floor living room in Walker Drive, would fail to meet the BRE 209 guidance values with respect to either VSC or APSH. Based on the testing undertaken, greatest impacts on lighting to neighbouring properties would appear to arise along nos.30-35 and 36-72 Belmayne Avenue, with ten of their tested windows either falling short of the BRE 209 guidance values with respect to VSC or APSH. In total 12 of the neighbouring windows would fail to meet the recommendations of the BRE guidance with respect to either VSC or APSH and the vast majority would comply with the VSC (86.2%) or APSH (84%) values.

12.4.44. For the purposes of EIA, Appendix 1 of the BRE 209 Guidance provides criteria to be used when considering the scale of the impact of a development on skylight and sunlight to its surroundings. Adverse impacts are asserted to occur where there is a significant decrease in the amount of skylight and sunlight reaching an existing building where it is required. The appendix outlines scenarios where such adverse impacts can be considered to be negligible, minor or major, and based on the definitions provided I am satisfied that minor adverse impacts would arise in this case as most of the tested windows meet several of the BRE 209 VSC value or APSH standards and as there would only be marginal loss of light in many of the tested cases.

12.4.45. Natural light is an essential consideration in the proper planning and sustainable development of cities; contributing not only to the health and wellbeing of inhabitants but also to the attractiveness of the city environment. In the promotion of cities as desirable places to move to and live, it is important that good levels of natural light are provided and maintained. This also apply for schools based on the BRE 209 guidelines. Despite being quantitative in nature, the BRE 209 guidelines are not intended to be interpreted in a permissive way. To this end the guidelines include a number of provisions and clauses, which allow discretion and flexibility to be exercised where appropriate. In this sense the numeric targets recommended within the guidelines are not intended to represent inviolable standards and it will often be necessary to accept derogations in order to ensure wider planning imperatives can

be realised. This is also acknowledged in the Department of Environment, Heritage and Local Government 'Urban Design Manual' (2009), which states:

- 'Where design standards are to be used (such as the UK document Site Layout Planning for Daylight and Sunlight, published by the BRE), it should be acknowledged that for higher density proposals in urban areas it may not be possible to achieve the specified criteria, and standards may need to be adjusted locally to recognise the need for appropriate heights or street widths' (p.43).

12.4.46. Consequent to the limited minor impacts, I am satisfied that the lighting impacts arising from the proposed development for neighbouring properties would not be sufficiently adverse to require amendments to the proposed development, particularly having regard to objectives within the Local Area Plan and land use zoning objectives in the Development Plan to provide for substantive redevelopment of this site, the flexibility afforded in the BRE 209 and BS 8206-2: 2008 guidance, the discretion offered by Section 3.2 of the Building Heights Guidelines, Section 6.6 of the New Apartments Guidelines and the Urban Design Manual, and the extent of compliance with VSC and APSH values, including very limited circumstances where at least one of these values would not be achieved for the tested windows with the development in place. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to lighting to neighbouring properties would not be warranted.

Loss of Sunlight and Overshadowing

12.4.47. The applicant's Daylight, Sunlight and Overshadowing Study provides an assessment of the effect of the proposed development on sunlight levels to the greenway route, two neighbouring public parks in the Parkside development, two schools' amenity areas and private rear gardens in Walker Row, Walker Drive, Walker Close and Walker Grove, as well as an assessment of the effect on spaces to be provided as part of the development. As referenced above, the BRE 209 guidance indicates that any loss of sunlight as a result of a new development should not be greater than 0.8 times its previous value for an existing space and that at least 50% of an amenity area should receive a minimum of two hours sunlight on the

21st day of March, which is the spring equinox. The observers raise concerns regarding the potential overshadowing of neighbouring properties, including schools.

12.4.48. A sunlight assessment was undertaken using a three-dimensional model of the development and the adjoining buildings, with the results shown in graphical and tabular format in the submitted Daylight, Sunlight and Overshadowing Study. The testing was based on an initial shadow study and I am satisfied that the applicant has tested those amenity spaces that would be most sensitive to the development based on the information available and the BRE 209 guidance. The analysis of the two pocket parks and two schools' amenity areas reveals that with the proposed development in place there would be no change in the level of light to these spaces and that 70% to 100% of the spaces would achieve at least two hours of sunlight during daylight hours on the 21st day of March, which meets the BRE209 guidance. The exact same situation would arise for 34 private rear gardens tested to the north of the site, with the development having no impact on lighting to these gardens and the extent of sunlight to these gardens in compliance with the BRE 209 guidance. Based on the information provided, I am satisfied that the level of sunlight to the immediate amenity areas would not be impacted by the proposed development and a refusal of planning permission for reasons relating to the extent of lighting to these spaces would not be warranted.

Nuisance

12.4.49. The observers raise concerns with respect to the continued noise and disruption as result of construction activities and the associated impact on the amenities of neighbouring residents. The Planning Authority do not object to the construction element of the proposed development and numerous conditions are suggested to be attached to a grant of permission with respect to the control of noise and air quality. As highlighted above, limited demolition works are proposed as part of this development with the removal of a basement structure and ground clearance. A Construction and Demolition Waste Management Plan and a Construction Environmental Management Plan were submitted with the application with various standard measures proposed to address the construction and demolition phase impacts, including measures to control waste, noise, dust and traffic. I address the construction phase parking requirements further below under the heading 'Traffic and Transport'.

12.4.50. With the proposed reductive, control and monitoring measures to be put in place for the construction and demolition phase, compliance with the relevant standards and the stated liaison with the public, the proposed development would not reasonably have substantial impacts on neighbouring residents and any such impacts would be temporary, including cumulative impacts if works commenced alongside the ongoing Main Street works. As is normal practise and as is required by the Environmental Health Officer from the Planning Authority, a final Construction and Environmental Management Plan for the project can be agreed with the Planning Authority in the event of a grant of planning permission, and I am satisfied that the finalisation of and adherence to such a plan would ensure the construction activity is carried out in a planned, structured and considerate manner that minimises the impacts of the works on local residents and properties in the vicinity, including the existing and permitted schools.

Conclusions

12.4.51. In conclusion, sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring residential properties. Minor amendments are suggested to address the potential for overlooking. Accordingly, the proposed development would comply with the objectives for this site, as contained in the Local Area Plan and the Development Plan, and the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

12.5. Residential Amenities and Development Standards

12.5.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the New Apartments Guidelines, the Development Plan, the Local Area Plan and the Building Heights Guidelines, which also refer to documents providing guidance for daylight / sunlight assessments within new developments. The subject development would not come within a category of

development that would be open to relaxed development standards. Section 16.10.1 of the Development Plan requires proposals for apartments to comply with the standards set out in the 2015 version of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, which were subject to revisions in 2018 and 2020.

Apartment Mix

- 12.5.2. The mix of apartments proposed would comprise 0.4% studio, 43.2% one-bedroom, 51.5% two-bedroom and 4.9% three-bedroom apartments. The Local Area Plan seeks a mix of housing typologies within residential developments in the area, without explicitly outlining the breakdown for same. The Development Plan is more specific and requires a mix of no more than 25% to 30% of one-bedroom units in a development and a minimum of 15% of three or more bedroom units. SPPR 1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms.
- 12.5.3. The Planning Authority acknowledge that the unit mix complies with the standards in the New Apartment Guidelines and that the proposed apartments would provide for a greater mix of housing typologies throughout the Parkside development cell, balancing the previously permitted lower-density 'kickstart' developments. The Planning Authority do not explicitly state that the unit mix proposed would be a material contravention of the Development Plan or the Local Area Plan. Observers to the application and the Executive Members raised concerns regarding the lack of consistency with the apartment mix requirements of the Development Plan and the low proportion of larger size units. The proposed housing mix would substantially fall short of the minimum standards outlined within the Development Plan and, as such, I am satisfied the proposals would only materially contravene the Development Plan unit mix standards.
- 12.5.4. The Planning Authority refer to the fact that the applicant has not justified the provision of one two-bedroom three-person apartment in block 1 of the scheme. The New Apartment Guidelines note that such units should not exceed 10% of units in a development, which would not arise in this proposed development, and should

feature a minimum floor area of 63 sq.m, which the subject unit would exceed by 13sq.m. This unit type would, therefore, be acceptable.

- 12.5.5. SPPR 1 of the New Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units, and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). A HNDA has not been prepared by the Planning Authority, as confirmed in their report, therefore, according to the applicant the proposals have been prepared in accordance with national policy regarding unit mix, including SPPR 1. The provision of apartment units between one, two and three bedrooms in format is entirely acceptable and complies with SPPR 1.

Refurbishment or Urban Infill Schemes

- 12.5.6. Measuring 4.03 hectares, the site is surrounded by an established and emerging urban environment, including residential properties, a school campus, a post-primary school and road construction site, therefore, SPPR 2 does not apply for this urban infill scheme on a site of greater than 0.25 hectares.

Apartment Size

- 12.5.7. The applicant asserts that the proposed apartments have been designed to fully accord with the apartment sizes within the New Apartment Guidelines. A Schedule of Accommodation and a Housing Quality Assessment has been submitted with the application, which provides details of apartment sizes, room sizes, storage space and private amenity space.
- 12.5.8. The minimum size of the apartments proposed at 42.3sq.m for a studio unit, 48sq.m for a one-bedroom unit, 73.8sq.m for a two-bedroom unit and 107.2sq.m for a three-bedroom unit, would exceed the 37sq.m, 45sq.m, 73sq.m and 90sq.m respectively required for these units in the New Apartment Guidelines. Measuring floor areas of 81.6sq.m and 100.4sq.m respectively, the two and three-bedroom duplex units would also exceed the guide floor area of 80sq.m and 92sq.m set in the Quality Housing for Sustainable Communities Guidelines for units of a similar typology. As noted above the two-bedroom three-person apartment also meets the minimum floor area guidelines. The internal design, layout, configuration, room sizes and storage areas for each of the apartments, as identified in the drawings and Housing Quality

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

12.5.9. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines for the majority of the apartments would also be achieved, with 55% of the proposed apartments meeting or exceeding the 10% additional floor space standard. Private amenity space for each of the apartments, including balcony and terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines.

12.5.10. Appendix 1 of the New Apartment Guidelines sets out a minimum requirement of 4sq.m communal amenity space per studio apartment in a development, 5sq.m for a one-bedroom apartment, 7sq.m for a two-bedroom four-person apartment and 9sq.m for a three-bedroom apartment. This would require 4,543sq.m of communal amenity space for the proposed development, which is to be provided in five surface-level courtyards measuring between 388sq.m and 1,554sq.m, and a first-floor roof terrace measuring 282sq.m. This would bring the communal open space to 5,308sq.m. There is potential variety in the function and aesthetics of these spaces, although it would be necessary to indicate in greater detail the play spaces and associated features assigned for children of all ages. This is essential given the density of development proposed, the location and access to other neighbouring play areas, as well as the provisions within appendix 5, sections 7.4 and 10.3 of the Local Area Plan, as well as section 16.1 and policy GI33 of the Development Plan and section 4.13 of the New Apartment Guidelines requiring such facilities in new residential developments. A condition should be attached in the event of a permission to ensure that this is undertaken. Between 59% and 99% of the communal amenity areas would receive at least two hours of sunlight on the 21st day of March, which is greater than the 50% requirement sought in the BRE 209 standards. In conclusion, subject to a condition to address the details of the play spaces, I am satisfied that the open space proposals would provide a reasonable level of amenity for future residents based on the relevant applicable standards.

Dual Aspect Apartments

12.5.11. With regard to aspect, the Development Plan refers to standards contained in SPPR 4 of the New Apartment Guidelines, which require 50% dual aspect apartments in

suburban and intermediate locations or 33% dual aspect apartments in central and more accessible urban locations. The applicant asserts that the level of dual aspect, when balanced against other criteria such as urban design, is appropriate to this location and the ambitions of both the Local Area Plan and Development Plan for this area. Observers to the application assert that the provision of dual aspect units falls short of Development Plan standards. As discussed in section 12.2 addressing the density of the proposed development, I consider the site to be within an accessible location given its proximity to public transport and the emerging context within the Local Area Plan lands clearly reveals the site to be within a highly urban area, therefore, a minimum of 33% dual aspect apartments would be acceptable in this case. The Local Area Plan does not address this issue. A total of 297 apartments are stated to form dual aspect units, which would equate to 41% of the apartments within the scheme. The applicant asserts that a material contravention of the Development Plan would not arise with respect to the provision of dual aspect units and I am also satisfied that this would be the case.

12.5.12. The Planning Authority require the provision of 'directional treatments' or 'other alternative measures' to secondary opes serving several apartments in blocks 1, 2 and 5 to potentially increase the provision of dual aspect units and to provide for improved outlook. The floor plan drawings identify units with dual aspect, as well as 37 units with screened secondary aspect, representing an additional 5% of the overall provision. It is not clear from the application details how the applicant intends to 'screen' these secondary windows and opes. Notwithstanding this, the minimum standards required in SPPR 4 of the New Apartment Guidelines would be exceeded by the proposed development.

12.5.13. Section 3.18 of the New Apartment Guidelines states that where single-aspect apartments are provided, the number of south-facing units should be maximised, with west or east-facing single-aspect units also being acceptable. It also states that north-facing single-aspect apartments may be considered, where overlooking a significant amenity, such as a public park, garden or formal space, or a water body or some other amenity feature. Of the 376 single-aspect apartments, no units would be north-facing and all would overlook either communal or public space, which would comply with the Guideline standards.

Floor to Ceiling Heights

12.5.14. SPPR 5 of the New Apartment Guidelines requires a minimum floor to ceiling height of 2.7m for the ground-floor level of new build apartments. Floor to ceiling heights of 2.4m for upper-floor levels and a minimum of 2.7m for ground-floor levels within the proposed blocks are illustrated on the drawings submitted, with increased floor to ceiling heights at ground-floor level onto the public plaza. This is in compliance with SPPR 5 and the increased heights to the public plaza are reflective of the function of this space.

Units per Core

12.5.15. Under the heading 'Block Configuration', the Development Plan requires that there shall be a maximum of eight apartments per floor per core. The applicant outlines that the proposed development includes several cores that serve 12 apartments per floor and as such would exceed the maximum allowance within the Development Plan. Given the absence of scope for relaxed standards in this case, I am satisfied that the proposed development could reasonably be considered to materially contravene Development Plan standards with respect to 'block configuration'. However this aspect of the proposals is in accordance with SPPR 6 of the New Apartment Guidelines, which specifies that a maximum of 12 apartments per floor can be served by a single lift and stair core access.

Sunlight and Daylight Provision

12.5.16. The applicant's Daylight, Sunlight and Overshadowing Study provides an assessment of daylight access within the proposed scheme having regard to the quantitative standards that I have addressed in section 12.4 above. Several observers assert that lighting to internal areas of many of the proposed apartments would be impeded as a result of the scale and height of the development and the applicant's justification to allow for this does not stand up.

12.5.17. The Planning Authority refer to a preference for the landmark building identified in the draft Masterplan for lands to the southwest of the site, to be included as part of the applicant's sunlight and daylighting modelling. I am not aware of a permission for a landmark building on this site 90m to the southwest of the site. As such, there is limited scope at present for such a building to have a material impact on lighting to the subject apartments.

12.5.18. The aforementioned BRE 209 and BS 8206-2: 2008 standards and guidelines recommend that for the main living spaces/living rooms of residences, a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their assessment, as well as assessing the living/kitchen/dining rooms against the 1.5% and 2% ADF target. ADF targets for the three studio apartments are not outlined by the applicant, and I consider the 2% ADF would be a reasonable initial target for these units. The applicant also refers to Irish standards (IS EN 17037:2018), as providing daylight standards for buildings. Notwithstanding provision within BRE 209 allowing developers or Planning Authority's to use different target values in special circumstances, given that 'special circumstances' have not been identified and as the BRE 209 and BS 8206-2: 2008 standards are referred to in statutory plans for this area and in relevant guidelines, it would be more prudent to rely on the BRE 209 and BS 8206-2: 2008 standards.

12.5.19. The applicant states that all 730 kitchen/living/dining rooms proposed in this development were tested as part of their detailed daylight access assessment, although I note their testing only refers to 729 kitchen/living/dining rooms. The results of ADF testing for 1,173 of the 1,178 bedrooms have also been presented, and the applicant asserts that their testing revealed a 99% pass rate for each bedroom (between 0.49% and 6.39% ADF) and a 65% pass rate for each kitchen/living/dining rooms (0.54% to 6.22% ADF) when using the 2% ADF value. I am satisfied that the applicant has undertaken extensive testing of the lighting to the apartments with results of same provided. In total 14% of the rooms would fall short of the optimum ADF targets. The lowest ADF test results relate to kitchen/living/dining rooms and bedrooms serving lower level apartments overlooking internal courtyards, particularly in corner settings.

12.5.20. While it would be more preferable for the ADF targets to be achieved for all internal living areas, as highlighted in section 12.4 above, the BRE 209 and BS 8206-2: 2008 guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. Where shortfalls occur with respect to the 2% target ADF to kitchen/living/dining rooms, the applicant has asserted that if a 1.5% target ADF was assigned to kitchen/living/dining rooms, the fail rate would fall from 35% to 17%, or 8% of all rooms in the development. The Planning Authority recommend that the 2%

ADF target value is achieved for the proposed living/kitchen/dining areas and I also note that this should be the target value. The applicant also highlights that there are various compensatory measures allowed for in the New Apartment Guidelines where daylighting provisions are not fully met and it is asserted that the stated shortcomings in ADF targets can be compensated for by virtue of the extent of apartments greater than the minimum standards, including floor areas and dual aspect, as well as the surplus provision of public and communal open space. I am satisfied that it is reasonable to conclude that such features of the development would have implications in terms of the achievement of daylight provision and would also provide compensatory levels of amenity for future residents. Alterations to the development to address shortfalls in ADF have not been justified and in this regard I note that ADF is only of a wide spectrum of interrelated requirements in the successful design of new apartments such as those proposed, with room sizes and layouts, window types and positions and the provision of balconies interacting with achievement of ADF. In this regard a reasonable balance needs to be achieved to ensure an appropriate standard of living accommodation and amenities for residents and I am satisfied that this would be achieved in this case and amendments to the scheme to provide for additional compliance with ADF targets values would not be necessary.

12.5.21. The BRE 209 and BS 8206-2: 2008 guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. The New Apartment Guidelines recognise that a discretionary approach should be taken with regard to compliance with daylight provision in certain circumstances and I am satisfied that such an approach would be reasonable given the limited shortfall in ADF relative to the standards for the 14% of the total tested rooms, as well as the stated compensatory measures to ensure other residential amenity standards are exceeded.

12.5.22. In conclusion, in measuring the adequacy of the provision of sunlight/daylight by the proportion of rooms meeting ADF standards, I am satisfied that the lighting to the proposed development would adequately meet the residential amenity levels for future residents.

Privacy and Overlooking

- 12.5.23. Overlooking of the proposed development from the existing schools campus to the north and the permitted post-primary school to the south would not be problematic and would be typical for an urbanised setting and there would also be typical separation from the apartments across busy existing and under construction thoroughfares to other properties, including residences along Belmayne Avenue to the west. Separation distances from housing along the northern boundaries of the site would follow the pattern established in the area, typical for urban environments, and the orientation and siting of block 3 along the eastern boundary is such that residential amenities on site would not be detrimentally undermined via overlooking from New Priory or St. Michael's Cottages.
- 12.5.24. In general, there is sufficient space fronting the buildings to ensure that the privacy of a majority of the residents on the ground floor would not be substantially undermined, however, some improvements via the provision of planting within landscaped privacy strips to serve as defensible space in locations fronting terraces and windows throughout the development would be necessary, including apartments onto the public realm and onto the internal courtyards. Particular care should be taken at entrances to buildings close to apartment terraces and windows, where projecting screen walls or defensible space may be required, such as the spaces fronting bedroom 2 of apartment 372 in block 3, bedroom 2 of apartment 269 in block 2 and apartment 200 in block 2. Amendments would provide for greater security and privacy for residents and can be provided for as a condition in the event of a permission.
- 12.5.25. The applicant has also proposed a communal space at first-floor level to block 1, which the Planning Authority state should feature a high screen on the northern side to provide privacy for occupants of apartment 19. The landscape plan for this communal space (drawing no.18D06b-DR-206) reveals that raised planters would be situated along the perimeter of this space and I am satisfied that there would be limited scope to overlook neighbouring apartments, including apartment 19. Access to this communal space would only be available from the residential amenity area and I am satisfied that restricted or additional access to this space would not be necessary given the surplus provision of communal space relative to the standards noted above.

12.5.26. The Planning Authority assert that a number of apartments would benefit from amendments in order to protect the amenities of future occupants of the development, including revised layouts for townhouse units in blocks 2 and 5 with their living areas and private open space presently proposed at ground floor moved to first-floor level. Units 259, 260 and 261 in block 2 are assigned street side terraces onto Main Street and units 598, 599, 600 and 601 in Block 5 are assigned terraces onto the greenway. While I consider that these townhouses are setback sufficient distances from the back edge of the public realm, there would be merit and scope to provide planting forming defensible space fronting their respective terraces, and also the area fronting units 729 and 730 onto the school access road. This would be applicable for many of the units within the proposed development featuring private amenity spaces onto the public realm. Revising the layouts and moving the private amenity space for the townhouses to first-floor level would have negligible benefits in terms of the overall privacy of the units, however, additional terraces or positioning of the terraces along the rear of the units opening onto the communal courtyard would provide a more private space for the residents of units 259 and 260 in block 2 and this can be undertaken as part of a condition in the event of a permission. The applicant should also clarify by condition the locations of the balconies serving units 207 and 208 in block 2, as there are discrepancies in the elevation and floor plan drawings submitted. Notwithstanding this, there would be reasonable scope to provide private amenity space for these block 2 units.

12.5.27. The Planning Authority expressed some concerns regarding the potential for overlooking from the southwest-facing gable in the end duplex block to Walker Grove viewing into the front amenity area serving apartment 491 in duplex block B. The upper-floor gable windows to Walker Grove serve a bathroom and a kitchen/living/dining area. The kitchen/living/dining area window is not the primary window serving this area and would be 19m separation distance across a residential street from the amenity space to apartment 491. Given this context, I am satisfied that the potential for excessive direct overlooking would not arise in this case.

12.5.28. The Planning Authority also clarified that the potential for overlooking from the upper-floor apartments 494, 504, 514 and 524 in block 4 into duplex block B approximately 12m to the northeast would be restricted by the use of opaque glazing in the secondary windows on the northeast elevation serving the respective apartment

living areas. This would appear to address the potential for excessive direct overlooking internally from the apartments towards duplex block B and the Planning Authority has suggested the installation of 1.8m-high screens on the northeast side of the balconies that are 12m from duplex block B. This would appear warranted in addressing overlooking and a condition should be attached in the event of a permission to address this.

12.5.29. The northern elevation of block 3 would feature three windows at first to fourth-floor level approximately 18m from the upper-floor windows in duplex block A. These windows would serve as secondary windows to the living/kitchen/dining areas, as well as a window to an internal hallway. The landscape drawings illustrate that low-level retaining walls featuring tiered planting would be situated between block 3 and duplex block A and I am satisfied that the various landscaping features would impede overlooking at surface level between the apartments. A separation distance of 18m between the upper-floor levels of block 3 and duplex block A, as well as the applicant's proposal to install 'obscure' glazing in the northern elevation apartment windows would suitably address the potential for excessive direct overlooking in this situation, although I consider it more prudent for all windows from first to fourth-floor level, including the hallway windows, to be fitted with opaque glazing, and this can be addressed as a condition in the event of a permission. I note that the Planning Authority expressed some concern regarding the potential for overlooking of duplex block A from the fifth-floor north elevation windows in apartments 433 and 434 in block 3. I am satisfied that there would be a sufficient separation distance of 27m to avoid potential excessive direct overlooking between the windows in block 3 and duplex block A, and the stepped form of block 3 would also restrict direct overlooking from upper-floor windows.

12.5.30. The applicant's proposals also suggest vertical privacy screens between adjoining terrace and balcony areas, although there is nothing definitive on this within the drawings submitted. Given the adjacency or proximity of private amenity spaces to neighbouring proposed private amenity spaces, such as balconies and terraces serving apartments in block 5, balconies and terraces on the west elevation of block 3 and terraces serving apartments 319 and 320 of block 2, additional vertical privacy separation screens should be provided to fully address the potential for overlooking between units and the potential for excessive loss of privacy when using these

private spaces. Should permission be granted, a condition should be attached to require this to be addressed.

12.5.31. Separation distances of 22m to 25m would be largely maintained between the windows of the apartments overlooking the communal amenity spaces. Where separation distances below the traditional 22m, as referred to above, would not be achievable, the application has proposed a variety of design solutions to address the potential for excessive overlooking between apartments. The primary solution used to avoid overlooking in these situations comprises the omission of windows from one of the proximate-facing elevations. I am satisfied that conditions to address the situations raised above would eliminate the potential for excessive direct overlooking between the units in all seven proposed blocks.

Wind and Microclimate

12.5.32. The applicant's Wind and Microclimatic Modelling Report provides information to avoid introducing a critical wind impact on the public realm, as well as at existing and proposed buildings. It is predicted that the proposed development would not introduce any adverse wind effects to the receiving environment, and therefore no mitigation measures would be required to be incorporated into the architectural or landscaping design. In addition, the applicant's modelling also found that at ground level wind-flow speeds would be tenable, while some higher velocity winds indicating minor funnelling effects would be expected near the south and west side of the development and at the southern corner of block 1, but that these spaces could continue to be used for their desired purpose. Areas between blocks 1 and 5, as well as blocks 2 and 3 would not be suitable for 'long-term sitting' due to the minor recirculation effects of winds, but pedestrian comfort would not be compromised. Critical wind effects were not calculated to occur in the surrounding environment or neighbouring streets or buildings. I note that the model presented in the study does not directly replicate the finalised scheme or the recently-constructed buildings immediately to the north in the Parkside estate, however, all of the more critical higher elements of the proposed and existing buildings have clearly informed the model. The information provided clarifies that significant microclimate impacts would be unlikely to arise or to warrant refusal of permission or amendments to the scheme.

Ancillary Residential Amenity Space

12.5.33. The New Apartment Guidelines promote the provision of communal rooms for use by residents in apartment schemes, particularly in larger developments. Within blocks 1, 2 and 5 of the proposed development it is proposed to provide meeting space and community facilities with external seating areas onto adjoining communal and public spaces. In total non-residential facilities within the development would amount to 1,674sq.m of the overall floor area serving the 730 proposed apartments, which would feature 1,178 bed spaces. With an overall provision of 1.4sq.m of communal space per proposed bed space, this would be almost double the ratio proposed within the neighbouring permitted development in Belmayne along Main Street (ABP ref.310077). I am satisfied that the provision of the communal facilities would be sufficient to serve residents of the proposed development in compliance with the provisions of the New Apartment Guidelines. Other facilities proposed as part of the subject development, which would be available to residents and the wider community, include the childcare facility and the café ancillary to the retail convenience unit.

12.5.34. In the interests of maximising the potential for the wider community to use the residential amenity space, the Planning Authority has sought to restrict the use of the internal communal rooms for uses solely within Class 10 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001-2021, uses of which comprise art galleries, museums, public libraries and reading rooms, public halls, exhibition halls, social centres, community centres and non-residential clubs. I am satisfied that a condition to restrict the use of these rooms for such purposes would not be necessary, as it is clear that the applicant has only sought use of these rooms for ancillary residential amenity purposes and not for general use by the public. Such a condition may have potentially positive or negative material implications for third parties, and, as such, a condition of this nature would not be warranted.

Waste Management

12.5.35. The applicant has submitted an Operational Waste and Recycling Management Plan, setting out how the storage volumes for waste have been calculated for the apartments, the duplex units and the non-residential uses, as well as details of how waste operators would service the site. This plan sets out that bin stores to serve

future residents and occupants of blocks 1, 2, 4 and 5 would be provided at basement level, while a surface level bin store would be provided on the eastern boundary to serve residents of block 3. I note that there would also be another surface level bin store within the curtilage of block 4. It would be more convenient and practical for the residents of block 4 to have access to the surface level bin store, as is proposed, as opposed to use of the more distant basement-level bin store under block 5. I note that the Environment and Transportation Section have not objected to the waste element of the proposed development and have requested the attachment of standard conditions with respect to waste collection. The Planning Authority refer to appropriateness of some bin marshalling area locations, including the potential to compromise the amenity of apartment terraces. In this regard I note that the bin marshalling areas would only be required for temporary periods on collection days and their details can be agreed as part of a finalised Operational Waste and Recycling Management Plan.

12.5.36. I am satisfied that accessible locations and sufficient provision for refuse collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and further details relating to waste management, including bin marshalling areas, can be provided as a condition in the event of a grant of permission.

Childcare Facilities

12.5.37. The applicant's statement of consistency with planning policy addresses the standards within the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), including the requirement for a childcare facility with space for 20 children for every development comprising 75 dwellings. Observers highlight the applicant's reference to childcare facilities in the area being almost full, while the proposed childcare facility is anticipated to serve a population of 2,008 persons in 730 units.

12.5.38. The applicant's estimated demand for childcare provision arising from the proposed development is based on the emerging demographic profile of the area, the scale and unit mix of the overall scheme and the geographical distribution and spaces available in existing and permitted childcare facilities in the area. The overall development would contain a total of 412 two and three-bedroom apartments. Based on the provisions within the New Apartment Guidelines and the Childcare

Facilities Guidelines, including an allowance to omit the studio and one-bedroom units from calculations, as well as demographics, uptake of childcare and quarterly national household statistics, the applicant asserts that the development would generate a requirement for 24 to 49 childcare spaces.

- 12.5.39. The applicant's survey of neighbouring facilities estimated ten available childcare spaces at present in the immediate area, although this would be likely to be reduced further if surveying was undertaken following Covid restrictions. The applicant noted that a new childcare facility with 135 spaces is set to open in Spring 2022 at the junction of the greenway route with the Hole in the Wall Road.
- 12.5.40. A childcare facility with a gross floor area of 525sq.m is proposed at ground floor to block 4 with an external enclosed courtyard play area measuring 231sq.m. The applicant asserts that this would have capacity to cater for 112 children based on the area standards within the Childcare Facilities Guidelines and, as such, would also cater for additional demand in the immediate area. The location of the childcare facility has been influenced by its proximity to the school campus to the north, which would be beneficial for cross-visitation purposes.
- 12.5.41. The Planning Authority did not object to the applicant's proposed provision of childcare facilities to serve the development, nor do they require amendments to same, and the Dublin City Childcare Committee has not responded to consultation regarding the application. I am satisfied that the level of childcare provision provided for in the development would be acceptable relative to the standards, the site context and the proposed unit types and would comply with policy SN17 of the Development Plan, as well as the provisions of the New Apartment Guidelines and the Childcare Facilities Guidelines.

Social/Community Infrastructure

- 12.5.42. The observers assert that there is limited provision of schools, social, community, retail and other facilities within the area, and that increasing anti-social behaviour experienced in the area is as a consequence of this. They also refer to limited provision of facilities for children within 1km of the site. The Planning Authority refer to the various existing and proposed community facilities within the area, as well as plans for the area, envisaging that residential development would come forward first to support the development of town centre uses. Policy SN5 of the Development

Plan requires a social audit as part of applications of this scale, as well as implementation and phasing programme details.

12.5.43. The applicant has provided an audit of local social infrastructure in chapter 4 of the EIAR, identifying retail, retail services, open spaces, recreation grounds, sports clubs and other facilities within approximately 1km of the site. The audit broadly identifies the main services and resources in the immediate area, following the guidance contained within the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.

12.5.44. As outlined above, there is presently two primary schools situated adjacent to the north of the development, as well as a temporary post-primary school on the south of the under construction Main Street. Permission for a permanent post-primary school on this site onto Main Street was granted in February 2021 (DCC ref. 2600/20) and this is intended to accommodate 1,000 pupils. There are other schools in the wider area, which the applicant identifies and lists in figure 4-12 and table 4-13 respectively of the EIAR. Observers assert that local schools are oversubscribed and have long waiting lists, while the permitted primary and post-primary schools on the site to the south of Main Street would not be available for a number of years. Based on housing typologies and demographic analysis, the applicant estimates that the proposed development would generate a demand for approximately 229 primary school places and 225 post-primary school places. The demand would increase as the development phases are completed. The applicant's estimations of available spaces in local schools is based on classroom numbers and pupil to teacher ratios. Their assessment of the existing and proposed schools in the area is asserted to indicate that there is approximately 242 primary school spaces available and 1,298 spaces at post-primary level, albeit when the permitted post-primary school is completed. The temporary permission for the post-primary school (DCC ref. 3009/19) provided for seven classrooms serving 210 pupils. The information provided would appear to suggest that there would be capacity within the local schools system to accommodate the subject development, which would be undertaken in a phased arrangement.

12.5.45. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services, including public transport, shops, schools and other social infrastructure. Such services, whether commercial or social, are dependent

on a critical mass of population to justify the establishment of additional services or for them to become viable. In the immediate and wider environs of the site there are shops, medical facilities, parks, open spaces and schools, all of which would benefit from a development that is a comfortable walking or cycling distance from the site. The application is accompanied by phasing proposals that would ensure that the non-residential elements of the development, including the convenience retail unit with ancillary café and off-licence use, would be provided in a logical and rationale manner. The Planning Authority do not require any additional facilities to those proposed to be provided as part of the development and I am satisfied that from a planning policy perspective there is not a necessity to provide any additional non-residential uses on the site. I am satisfied that the scale of the retail use would be appropriate having regard to the context of the site within the Local Area Plan lands.

12.5.46. I am therefore satisfied that the development would be reasonably well serviced in respect of social/recreational/commercial infrastructure, the details submitted are in compliance with policy SN5 of the Development and the site context should not inhibit the subject proposals.

Building Lifecycle and Management

12.5.47. As required within the New Apartment Guidelines, a Building Life Cycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents, has been included with the planning application. Detailed measures, including sinking fund calculations, as well as running cost-saving measures, have been provided within this report. Prior to the lease of individual units, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Sustainability and Energy Efficiency

12.5.48. Objective CCO12 of the Development Plan promotes high energy-efficiency standards in existing and new developments. An Energy Statement has been submitted with the application outlining specific mechanical and electrical measures to address energy efficiency. A series of measures are listed in the report to address energy savings in the development. Suggested measures include targeted U-Values

in addressing potential heat loss, air permeability and thermal bridging with respect to Part L defaults, provision of part the energy demand from renewable energy sources, provision of a district heating systems, centralised ventilation systems, air-source heat pumps and roof-top photovoltaic array. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the design of the development, in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

Inward Noise

12.5.49. The applicant provided an 'Assessment of Inward Noise Impact' as part of their application based on background noise levels and anticipated noise levels. This also outlines the standards to be achieved in the residential living areas with respect to noise levels and how this would be achieved. A suite of operational mitigation measures addressing glazing, ventilation and wall construction are included, which would ensure the internal noise levels in units would come within the standard noise level limitations (BS 8233 Guidelines for Sound Insulation and Noise Reduction for Buildings, 2014).

Conclusion

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

12.6. Traffic and Transport

12.6.1. The Planning Authority suggested the attachment of a number of conditions to address traffic arising from the proposed development, as well as the parking requirements. Observers raise concerns regarding the extent of modelling undertaken for the applicant's traffic and transportation assessment, while alongside elected members of the Planning Authority they highlight various concerns regarding the condition and carrying capacity of roads and public transport to serve the site and proposed development.

Access and Connectivity

- 12.6.2. According to the Planning Authority the section of Main Street bounding the site to the south is under construction since October 2021 with a 12-month construction programme and the access arrangements and design layout have been confirmed to tie in with the construction of Main Street. Potential vehicular access to the site would be available from two locations along the completed section of Main Street, comprising a left-in and left-access junction on the west side and a signalised junction access on the east side, which would avail of a break in the median strip under construction along Main Street. The existing school access road off Belmayne Avenue and the network of streets off Walker Green, Walker Row, Walker Close, Walker Drive and Walker Grove would provide vehicular access from the west and north respectively. Observers assert that Main Street would be a bus-only route, thereby restricting use of this road as an access to the development. The Draft Belmayne and Belcamp Lane Masterplan 2020 and the applicant's extracts of the Part VIII application drawings for the new road illustrate that Main Street would provide footpaths, cycle paths, bus lanes and a standard lane for private vehicles.
- 12.6.3. The applicant's proposals provide for the phased delivery of these accesses and a network of streets and footpaths. As part of the proposals, the street fronting duplex block A would extend to the eastern boundary with St. Michael's Cottages, which I am satisfied would potentially provide for future connectivity to these lands. A permeable and connected street network is proposed and observers welcome the delivery of the final section of the greenway, while the Planning Authority welcome the fact that vehicular cross-overs of the greenway are not proposed.
- 12.6.4. A DMURS Design Statement is included with the application addressing the key development principles, the design attributes and the development parameters. A home-zone is only proposed on the eastern boundary serving block 3, while the remainder of the proposed roads would be treated as local streets, similar to the streets to the north in the Parkside urban cell. Carriageway widths of 5.5m and design speeds of 30km/hr would be provided throughout the development. An independent Quality Audit submitted with the application concluded that adverse road safety or quality concerns would not arise and the recommendations of this audit can be incorporated into the final design of the scheme. A turning circle at the end of the school access road adjacent to block 5 is proposed and a service bay for

the retail unit is to be provided adjacent to block 1. Tracking details for refuse and emergency vehicles are provided (drawing no.200036-DBFL-RD-ST-DR-C-1201) and the applicant states that emergency fire tender access to the greenway would be controlled by removable bollards. The Planning Authority recommend attachment of conditions requiring a consistent raised footpath at the entrance ramps, as well as the provision of wheel stops to perpendicular parking spaces. These measures would be in the interest of ensuring pedestrian priority along the proposed streets, in compliance with DMURS, therefore, this condition would be warranted. Based on the information presented in the application, I am satisfied that access arrangements would provide for practical, safe and legible routes into and through the development that would tie in seamlessly with the existing and proposed roads infrastructure surrounding the site.

- 12.6.5. The applicant's Traffic and Transport Assessment provides details of public transport services currently available in the environs of the site, as well as future proposals. The Planning Authority acknowledge the proximity of the site to public transport, as well as the need to manage car parking and address travel planning. I am satisfied that the site would have reasonable access to amenities via public transport and consultation with the National Transport Authority or other parties has not highlighted concerns regarding the capacity of public transport, which I have considered in detail within section 12.2 above.

Parking Standards

- 12.6.6. The applicant is proposing a total of 510 car parking spaces to serve the development, 364 of which would be at basement level and 146 spaces at surface level, as well as set-down areas. The applicant's material contravention statement notes that the site is located within parking zone 3 and has a maximum residential parking provision of 1.5 spaces per residential unit based on Table 16.1 of the Development Plan. The Local Area Plan refers to the car parking requirements within the Development Plan. According to the applicant a parking standard of 0.69 spaces per unit would arise and this would be in accordance with the Development Plan standards, therefore, a material contravention of car parking standards would not arise.

- 12.6.7. Based on the Development Plan standards and the quantum of development, according to the applicant the development could attract a maximum of 1,102 car parking spaces taking into not account the non-residential elements. The car parking provision would be well within the prescribed limits, particularly as section 16.38 of the Development Plan reiterates that the parking standards are maximum standards, which have not been exceeded in this case. Consequently, I am satisfied that a material contravention of the Development Plan or the Local Area Plan would not arise in this case.
- 12.6.8. The Planning Authority note the car parking details, while observers to the application assert that the proposed provision of car parking would lead to increased parking congestion along the main roads, particularly during school drop-off and collection times. The Local Area Plan seeks to provide a level of car parking provision that promotes the use of public transport, in particular by providing lower ratios at higher density locations accessible to new public transport facilities. The New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to urban centres, particularly in residential developments with a net density of greater than 45 units per hectare. As noted above, such densities would be surpassed and the site is clearly located within an accessible urban location served by high frequency, high-capacity public bus services within easy walking distance of the site. I am satisfied that the site is suitably located and that the provision of car parking would be appropriate, if properly managed.
- 12.6.9. The applicant has set out a number of measures to address the parking provision and planning policy requirements. A Mobility Management Plan is provided with the application, and this outlines various measures to influence the use of more sustainable modes of transport as part of the development, including the appointment of a mobility manager to implement and manage the provisions of the plan. The Planning Authority require the implementation of this Mobility Management Plan to be a condition in the event of a permission. A Car Park Management Strategy has also been set out as part of the applicant's Traffic and Transport Assessment outlining how the various spaces within the development would be managed. Provision is also made for 28 accessible car parking spaces, as well as five car share spaces. Four spaces have been allocated for the childcare

facility. The applicant states that 10% of the spaces would feature electric-vehicle charging points. The remainder of car parking spaces should be provided with the necessary infrastructure required to enable future upgrade to accommodate electric vehicles, and this should be required as a condition in the event of a permission.

12.6.10. Implementation of the submitted Car Park Management Strategy would be necessary as a condition in the event of a permission according to the Planning Authority, and I consider this to be a reasonable request as a means of outlining how the residential, non-residential and car-share parking spaces would be assigned, located and managed. With the provision of an additional eight spaces for public use along the school access road adjoining block 5 and the completion of the greenway route, I am satisfied that the development would provide scope for reduced congestion around the schools at pick-up/drop-off times following the completion of phase 2 to the development.

12.6.11. I am satisfied that the provision of car parking at standards below the Development Plan maximum standards would be reasonable, given the site location relative to public transport services, as well as the various measures to be implemented.

12.6.12. A total of 1,285 cycle parking spaces would be provided internally within the basement car parks and at surface level throughout the site. The New Apartment Guidelines require at least one cycle storage space per bed space (1,178 spaces), as well as visitor cycle parking at a standard of one space per two residential units (365 spaces), which would result in a requirement for 1,543 cycle parking spaces solely to serve the subject development. The New Apartment Guidelines allow for deviation from these standards, while outlining that apartment developments should be comprehensively equipped with high-quality cycle parking and storage facilities for residents and visitors. Section 16.39 of the Development Plan requires a minimum of one space per residential unit plus visitor parking, three spaces per 200sq.m GFA of shops and three spaces per pupils/students in 'other education buildings'.

12.6.13. The Planning Authority has raised a number of concerns regarding the cycle parking provision, including a requirement for electric-charge bicycle spaces and a bicycle repair area to be provided at basement level, as well as cargo or non-standard cycle spaces at the retail unit. I am satisfied that the quantum of cycle parking would

readily exceed the minimum standards outlined in the Development Plan, would be broadly in compliance with the requirements within the New Apartment Guidelines and the overall provision is welcome in supporting sustainable transport options. The addition of a condition to address shortcomings with respect to electric-charge and cargo cycle spaces and the provision of a cycle repair area identified by the Planning Authority would be warranted, particularly as the applicant is reliant on alternative modes of transport, including cycling, as part of their Mobility Management Plan and in justifying their provision of car parking.

Traffic

- 12.6.14. A substantial proportion of the third-party observations have raised concerns in relation to the implications of the proposed development alongside other developments for ongoing traffic congestion issues within the area, road safety concerns primarily based on the present condition of local roads infrastructure and the lack of capacity analysis for junctions along the R139 regional road. The applicant's Traffic and Transport Assessment refers to numerous lands within the wider area that have been identified for substantive development in statutory plans and it also refers to committed developments permitted in the immediate area that may influence traffic flows and junction performance alongside the subject development.
- 12.6.15. The applicant's Traffic and Transport Assessment sets out the potential level of trips associated with the proposed development under the base (do-nothing) and post development (do-something) scenario over three periods; 2022, 2027 and 2037. The subject development is predicted to result in the generation of 189 vehicle trips (two-way) in the AM and 134 vehicle trips in the PM peak-hour periods. The percentage impact of additional traffic generated by the proposed development on junctions modelled in combination with committed development is estimated at between 0.8% and 16.3%. Based on TII thresholds in the 'Traffic and Transport Assessment Guidelines' (2014), modelling is required for two of the junctions; junction 2 Belmayne Avenue/Main Street and junction 5 Belmayne Avenue / Belmayne Park South. The applicant undertook this modelling using PICADY and TRANSYT software packages and they calculated that the junctions would have limited impact on traffic in all design years and the junctions would operate within capacity. This conclusion also applies to the cumulative traffic impact from nearby

committed development sites. As all junctions would operate satisfactorily in the design year with the development in place, specific additional measures to upgrade traffic movement at these junctions would not appear necessary.

12.6.16. The assessment does not model the anticipated traffic exiting through the existing residential streets north of the site and onto Parkside Boulevard. Notwithstanding this, while some inconvenience for residents would be likely to arise from the additional vehicular traffic on these neighbouring residential streets, the assessment of the Belmayne Avenue and Parkside Boulevard junction did not identify substantive loading of traffic onto Parkside Boulevard and it would be expected that the majority of vehicular movements entering and exiting the site would be onto the nearest stretches of strategic road infrastructure, which comprise Belmayne Avenue and Main Street.

12.6.17. I recognise that observers to the application have flagged several concerns regarding the absence of modelling for more distant junctions for traffic and transportation, however, I am satisfied that the assessment follows the TII guidance on this matter and an alternative technical assessment contradicting the approach or the findings of the applicant's assessment has not been provided. Furthermore, the Planning Authority has not objected to the findings or the traffic impacts of the development and I am satisfied that the applicant has provided adequate justification and rationale for the approach undertaken in their Traffic and Transport Assessment with sufficient information included for the purpose of this assessment. Furthermore, the site is located on zoned lands within an expanding area of Dublin city and with reasonable access to an array of services. The proposed development would provide for a substantive scale of development, particularly when compared with the wider existing built-up development in the area. There are plans in place for the improvement of public transport in this area, including the bus route adjoining the site, as well as pedestrian and cycle infrastructures, which the project would directly support by providing the last section of the greenway and would indirectly support by providing additional population to support these services. There would undoubtedly be some increase in traffic numbers as a result of the proposed development, which would invariably add to the existing congestion that is acknowledged by observers. However, traffic congestion at peak periods in an urban area such as this, would be anticipated to occur and various measures and design features have been set out

within the application and as part of the proposed development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles.

12.6.18. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive impacts on traffic.

Construction Traffic

12.6.19. The volume of traffic generated during construction would be lower than that generated during the operational phase. The implementation of the Construction and Environmental Management Plan, including a Construction Traffic Management Plan is the main tool to be used to address traffic during the construction phase. The applicant has provided construction traffic management details as part of their Construction Traffic Management Plan indicating likely traffic volumes, delivery routes and measures to address traffic and parking during the construction phases. Construction traffic is expected to access the site from Main Street, which would appear feasible based on the phasing proposals, and the Planning Authority has sought finalised construction traffic details to be submitted as a condition in the event of a permission for the proposed development. I am satisfied that this would be reasonable and a standard requirement for developments of this nature and scale.

12.6.20. The applicant states that on average 220 construction workers would be on site, peaking at 450 workers. On-site parking would be possible during the demolition and construction phases, with the applicant intending to use the completed basement car parks for construction staff, as the development progresses through the phases. If the associated residential blocks are occupied, this would be likely to impact on car parking provision for residents. Such a scenario may result in overspill parking into neighbouring residential areas, which has not been provided for as part of the applicant's Traffic and Transport assessment. Given the scale of the site and the phasing strategy, it would only be the final phase 4 stage of the development whereby substantive surface space for construction traffic parking would not be available, and, as such, I am satisfied that the potential for overspill parking can be readily avoided. The applicant's finalised car parking management strategy and construction traffic management plan should provide a rational approach in

addressing this matter, avoiding use of parking spaces required by occupied residential units. A condition to this effect should be attached in the event of a permission.

Conclusion

12.6.21. I am satisfied that the impact of the proposed development on the surrounding road network would be limited in terms of additional traffic volumes and would not warrant a refusal of permission based on the considerations outlined above. In conclusion, subject to conditions, the proposed development would not result in an increased risk of traffic hazard or significant additional traffic congestion in the area, and it would feature an appropriate provision of car and cycle parking.

12.7. Services and Flood Risk

Services

12.7.1. The application was accompanied by an Infrastructure Design Report addressing site services cumulatively with the previous phases of development, including wastewater, surface water drainage and water supply. The development is to be drained by connecting into the existing surface water system in control of the applicant, which ultimately discharges to the Mayne River, approximately 600m north of the site. An existing surface water sewer along the east side of the site connecting between Walker Row and Main Street is proposed to be removed with diversion plans to address this. The site would also feed into the existing attenuation storage provided under a Parkside pocket park north of the site and adjoining the greenway. A series of SUDS measures, including green roofs, swales and other landscaping features, would be incorporated into the proposed development to assist interception storage, prior to flowing towards the attenuation tank. According to the applicant, the existing attenuation tank on the Parkside phase 5a lands would have sufficient capacity to accommodate 1-in-100 year storm events in the assigned development catchment considerate of climate change factors. The Planning Authority has confirmed the acceptability of the drainage proposals, subject to complying with conditions of a previous permission (DCC ref. 2941/14), which I note to relate to the development of Parkside lands north of the site accommodating the attenuation tank that have now been completed. The Planning Authority also require

conditions agreeing the final detailed designs and compliance with the Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0). In conclusion, I consider the drainage proposals to serve the subject development to be satisfactory, subject to appropriate and necessary conditions.

12.7.2. It is proposed to discharge wastewaters from the proposed development into the foul drainage network completed as part of previous phases of the Parkside development, which the applicant states to have been undertaken in compliance with the requirements of Irish Water. As required under the terms of the Greater Dublin Regional Code of Practice for Drainage Works, the applicant states that slung drainage would be provided within the basements, as well as incidental car park drainage in each basement passing through a light liquid separator before being pumped to the foul network. Irish Water, observers and the Planning Authority have no objection to the proposals. Correspondence from Irish Water addressing the feasibility of proposals confirms that the connections to wastewater can be facilitated. Correspondence has also been submitted by the applicant referring to Irish Water not having an objection to the applicant's 'design submission'. Based on the evidence on file, as well as the information contained within applications for previous phases of the Parkside development, it would appear that there would be capacity in the local wastewater infrastructure to facilitate the subject development and a connection agreement to Irish Water infrastructure can be requested as condition in the event of a permission for the development.

12.7.3. It is also proposed to connect into the watermain spurs constructed as part of earlier phases of the Parkside development, in order to supply water to the subject development. Similar to the situation with regard to wastewater treatment, objections to the development on water supply grounds have not been cited and the response from Irish Water states that the water supply connection would be feasible. Following my conclusions above, I am satisfied that a standard water supply condition can be attached to comprehensively address same in the event of a grant of permission.

Flood Risk

12.7.4. The applicant submitted a site specific flood risk assessment based on a variety of sources and mapping. The stage 1 element of the assessment identified that the

only flood risks to the proposed development would be from a low risk of fluvial flood risk from the Mayne River and a pluvial flood risk at project completion stage. Historic flood events were not noted on site, with the closest flood events recorded for a stretch of the Mayne River, approximately 600m to the north of the site. The site was found to feature road and building levels 5m to 5.5m above the predicted 1 in 1,000 year fluvial flood risk level in the Mayne River catchment. Risks of pluvial flooding arising from a blockage or from flood exceedance during storms in excess of the 1 in 100-year flood event design capacity of the surface water drainage system would overload the private drainage system. Mitigation measures are set out, including regular maintenance of the drainage system to reduce the risk of blockage and in the event of storms exceeding the 1 in 100-year flood event design capacity of the drainage system, drainage outfalls to the north are proposed and these routes should not be blocked.

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

12.8. **Material Contraventions**

- 12.8.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan or a Local Area Plan relating to the area concerned, albeit with exception to a material contravention of zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below. As noted above, a material contravention with respect to zoning objectives would not arise in the case.
- 12.8.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Development Plan and the Local Area Plan with regard to

specific statutory planning requirements, other than in relation to the zoning of the land.

- 12.8.3. The applicant initially addresses potential for material contraventions to arise with respect to a variety of matters and I am satisfied, for reasons outlined above addressing each of these matters, material contraventions would not arise with respect to dual aspect apartments, the quantum of car parking and the provision of public open space. I have also concluded above that the development would not materially contravene the provisions of the Local Area Plan with respect to phasing arrangements and the provisions of the Development Plan with respect to site coverage. As part of the specific assessments above with respect to densities and unit numbers, building heights and scale, unit mix and units per core, where relevant I have set out the comments and opinions from the various parties, including the Planning Authority, observers and Elected Members. I have also provided my conclusions with respect to these matters, including whether or not I am satisfied that these aspects of the proposed development would adhere to national policy, including SPPRs.
- 12.8.4. Section 37 of the Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:
- (i) the proposed development is of strategic or national importance;
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;
 - (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government;
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Residential Density and Unit Numbers

- 12.8.5. As noted above, I am satisfied that a material contravention of the Local Area Plan would arise with respect to the proposed residential density, in particular the densities that would be achieved in the northern section to the rear of the main streets and adjacent to the existing Parkside housing area and the overall number of residential units that would result for the Belmayne 'Next Phase 4' Local Area Plan development area.
- 12.8.6. On the basis of my assessment above, I am satisfied that the proposed development is of strategic and national importance by reason of it being located within the 'Clongriffin-Belmayne' area designated as 'SDRA 1 – North Fringe' in the Dublin City Development Plan 2016-2022 and its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016) within the Dublin MASP and on a high-capacity, high-frequency public transport corridor, with links to further sustainable modes of transport/cycle network. Furthermore, the application site location within a SDRA, in itself refers to the strategic importance of the site, which elevates it above other zoned lands contained in the Development Plan. Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the residential density and unit number standards of the Local Area Plan.
- 12.8.7. In relation to the matter of conflicting objectives in the Development Plan or objectives that are not clearly stated, addressed in section 37(2)(b)(ii) of the Act of 2000, I am satisfied that this would not apply in the case as the objectives in the Local Area Plan are reasonably well stated.
- 12.8.8. With regard to section 37(2)(b)(iii), as considered in detail above in section 12.2, I am satisfied that the residential densities and unit numbers for the proposed development in this location are in accordance with national policy, as set out in the NPF, specifically NPO 13 and NPO 35, regional policy set out in the RSES. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention with respect to residential densities and unit numbers is justified in this case.

- 12.8.9. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that the current Development Plan was adopted in 2016. The Planning Authority refer to permissions providing for variety in the range of residential density dependent upon context within the Local Area Plan lands, including the Parkside phase 4 permission granted by the Board in 2020 under ABP ref. 305623-19 on a site 300m to the north of the application site, which allowed for a net residential density of 188 units per hectare. There has also been permissions for lower densities of development in the area, including the most recent phase 5a permission (DCC ref. 3791/18) providing for residential densities of 46 units per hectare adjoining to the north of the site. Furthermore, a recent permission was granted by the Board in August 2021 under ABP ref. 310077-21 for an apartment development with a density of 198 units per hectare, in a similar planning context to the subject site located 240m to the west of the site along Main Street Boulevard. The proposed development is to an extent, continuing on that pattern of development. Having regard to the provisions of section 37(2)(b)(iv) of the Act of 2000, I am satisfied that a material contravention relative to residential density and unit numbers contained in the Local Area Plan is justified in this case.
- 12.8.10. Should the Board be minded to invoke the material contravention procedure, as relates to Local Area Plan provisions pertaining to residential density and unit numbers, I consider that the provisions of sections 37(2)(b)(i), (iii) and (iv) have been met with respect to the proposed development. In this regard I am satisfied that the Board can grant permission for the proposal.

Building Heights

- 12.8.11. Material contraventions of the Development Plan and the Local Area Plan are stated by the applicant to arise with respect to the proposed building heights and observers to the application and the Elected Members of the Planning Authority are in agreement with same. The application documentation, including the Material Contravention Statement provides the applicant's justification for the proposed building heights, including compliance with development management criteria set out in the Building Heights Guidelines.

- 12.8.12. With respect to building heights, my conclusions above refer to the proposed development materially contravening Development Plan policy SC17 and the standards outlined in section 16.7.2, as well as Local Area Plan policy UD07.
- 12.8.13. Further to my assessments above, I am satisfied that the proposal positively assists in securing NPF objectives to focus development into key urban centres, fulfilling targets related to infill development and to deliver compact growth in urban centres. As with my conclusions regarding material contravention of the proposals with respect to residential densities and unit numbers, I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the building height standards of the Development Plan and the Local Area Plan.
- 12.8.14. The Development Plan sets a limit of 16m building height (five storeys residential) for this area, while policy UD07 of the Local Area Plan allows for up to six storeys, depending on design criteria. As such the objectives of the Development Plan are conflicting with those of the Local Area Plan with respect to building heights and I am satisfied that the provisions under section 37(2)(b)(ii) of the Act of 2000 would apply in this case.
- 12.8.15. With regard to section 37(2)(b)(iii), as per my detailed assessment in section 12.3 above, I am satisfied that the building heights for the proposed development are in accordance with national policy, as set out in the NPF, specifically within NPO 13 and NPO 35. Furthermore, the proposed development is in compliance with SPPR 3 of the Building Heights Guidelines, which references criteria set out in section 3.2 of these Guidelines. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention is justified in this case with regard to guidelines under section 28 and policy of the Government set out in the NPF.
- 12.8.16. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that for sites subject of similar Development Plan and Local Area Plan height restrictions, the Board has recently approved a 22.2m high building under ABP ref. 310077-21 on a site located approximately 240m to the west of the application site on Main Street, while also approving under ABP ref. 305623-19 seven storey building heights of 23m on a site located 300m to the north of the application site at the junction of Parkside Boulevard and Balgriffin Park. The proposed development is to an extent, continuing on that

pattern of development and the provisions under section 37(2)(b)(iv) of the Act of 2000 apply.

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

Unit Mix

12.8.18. Above I have concluded that the proposed housing unit mix would substantially fall short of the minimum standards outlined within the Development Plan and, as such, the proposals would materially contravene the Development Plan unit mix standards.

12.8.19. I am satisfied that the provisions set out under section 37(2)(b)(i) are applicable in this case given the identified strategic importance of the development from a housing provision perspective, as discussed further above. Conflicting objectives in the Development Plan do not arise in this matter, therefore, the provisions under section 37(2)(b)(ii) of the Act of 2000 do not apply in this case.

12.8.20. The proposed mix would comply with the requirements under SPPR 1 of the New Apartment Guidelines, while also contributing to the expanding housing sector in this area. I am satisfied that the proposed development is in line with the advice contained in the New Apartment Guidelines with respect to unit mix, despite contravening the Development Plan. Consequently, the provisions of section 37(2)(b)(iii) of the Act of 2000 apply in this case.

12.8.21. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that for sites subject of similar Development Plan and Local Area Plan unit mix provisions, the Board has recently approved a similar mix of apartments (ABP-310077-21 – 41.5% one-bedroom, 52% two-bedroom and 6.5% three-bedroom) on a site located approximately 240m to the west of the application site on Main Street, and the proposed development is to an extent, continuing on that pattern of development.

12.8.22. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan objectives pertaining to unit mix, I consider that the provisions of sections 37(2)(b)(i), (iii) and (iv) and have been met. In this regard I am

satisfied that the Board would not be restricted from granting permission for the proposal.

Units per Core

12.8.23. With respect to 'block configuration' or units per core, above I concluded that the proposed development could reasonably be considered to materially contravene Development Plan standards. Accordingly, given the strategic and national importance of the development, as identified above, and compliance with SPPR 6 of the New Apartment Guidelines, the provisions set out under sections 37(2)(b)(i) and 37(2)(b)(iii) are applicable with respect to the proposed 'block configuration'. In this regard I am satisfied that the Board would not be restricted from granting permission for the proposal. Furthermore, I am satisfied that based on my considerations above, the material contravention process would not serve to facilitate a substandard development.

13.0 Environmental Impact Assessment

13.1. Introduction

13.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning assessment above. The development provides for 730 residential units, a childcare facility, a retail convenience store and residents' amenity areas on a site measuring 4.03 ha. The site is located within the area of Dublin City Council. A number of the topics and issues raised by observers that concern environmental matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid unnecessary repetition.

13.1.2. Item 10(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021 and section 172(1)(a) of the Act of 2000 provides that an EIA is required for infrastructure projects that involve:

- (i) construction of more than 500 dwelling units
- (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 13.1.3. The current proposal is an urban development project that would be in the built-up area of a city, but not in a business district. It is within the class of development described in item 10(b)(i) above, thereby requiring EIA. Consequently, the applicant has submitted an EIAR with this application.
- 13.1.4. The EIAR comprises a non-technical summary, a main volume and supporting appendices, a number of which are also included as standalone reports with the application. A schedule of mitigation measures and monitoring described throughout the EIAR has been prepared and is presented within Chapter 16 of the EIAR. Table 1-1 and section 1-9 of the EIAR describes the competencies of those involved in the preparation of the EIAR.
- 13.1.5. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors; (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 13.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2001-2021. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the Planning Authority, the prescribed bodies and members of the public, which are summarised in sections 9, 10 and 11 of this report above. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. For the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment.

13.2. Vulnerability of the Project to Major Accidents and/or Disaster

- 13.2.1. The requirements of Article 3(2) of the amending Directive includes consideration of the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. The EIAR does not specifically address the issue of major accidents and/or disasters, but it does state that under the Regulations the vulnerability of the proposed development to the risk of natural disaster is to be assessed.
- 13.2.2. Given the urban nature of the receiving environment and the nature of the proposed project, it is considered that there is no linkage factor of a hazard that could trigger what would constitute major accidents and disasters. There are no Seveso Sites within close proximity or within statutory consultation distances of the project site. There are clusters of Seveso upper and lower-tier sites at Dublin Port and Ringsend approximately between 6 to 8km to the south of the site and in the Blanchardstown area approximately 14km to the west of the site, but none of these are within consultation distance of the proposed project. The proposed project is not likely to be affected by an accident at any Seveso site in the wider area, and vice versa, nor is any Seveso site likely to be affected by the proposed project itself.
- 13.2.3. The vulnerability of the proposed project to major accidents and / or disasters is not considered significant. The proposed development is primarily residential in nature and will not require large-scale quantities of hazardous materials or fuels. Photovoltaic panels or similar panels, such as those proposed on the roof to the duplex blocks, are not known to present significant risk to aircraft via glint and glare. I am satisfied that the proposed uses are unlikely to present risk. As noted in section 12.7 above, the site would not be at major risk of flooding. Having regard to the location of the site and the existing land use, as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and / or disasters.

13.3. Alternatives

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

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an

indication of the main reasons for the option chosen, taking into account the effects of the project on the environment,

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

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

13.3.3. Chapter 2 of the EIAR provides a description of the range of alternatives considered, including locations, uses, a do-nothing scenario, layout, designs and processes. If nothing were done, the lands would remain vacant and undeveloped, with an opportunity lost to provide 730 residential units and an efficient use of zoned urban land. Considering that the lands in question are zoned for uses that include housing, as well as the fact that the environmental sensitivities of the site are not such as to preclude development per se, alternative locations are not considered relevant. The variety of different layouts are illustrated, showing 2D plans and diagrams. Six design alternatives are presented with the option F proposal selected as featuring the optimal design and layout. There are no alternative processes having regard to the nature of the proposed project relative to the planning context.

13.3.4. The permissible and open for consideration uses on the site are prescribed by its zoning under the Development Plan and the Local Area Plan. The alternatives that were considered were therefore largely restricted to accord with the surrounding developments, as were the variations in height, layout and building design. In the prevailing circumstances the overall approach of the applicant was reasonable, and the requirements of the Directive with regard to ‘alternatives’ have been met.

13.4. **Consultations**

13.4.1. The EIAR refers to consultation with Inland Fisheries Ireland on biodiversity matters, as well as Irish Water with respect to hydrology and water services, the Department of Arts, Heritage and the Gaeltacht, the National Museum of Ireland, and Dublin City Council with respect to cultural heritage. Consultation was stated to have also been

undertaken with utility providers, including ESB, Gas Networks Ireland and telecommunication providers.

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

13.5. Likely Significant Direct and Indirect Effects

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

- population and human health;
- biodiversity (with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC);
- land, soil and geology;
- water;
- noise, vibration, air quality and climate;
- landscape and visual impact assessment;
- material assets;
- cultural heritage, archaeology and architectural heritage;
- the interaction between those factors.

13.6. Population and Human Health

13.6.1. Population and human health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described, as well as the receiving environment. The assessment considers attributes and characteristics associated with population, employment, retail and community facilities, childcare provision and schools. Recent economic and demographic trends are examined. The principal findings are that development would provide employment-related benefits during the construction phase and once operational it would provide much-needed housing, as well as improving the vibrancy and vitality of the area and the community.

- 13.6.2. In terms of human health, the most likely impact will be the construction phase of the development and observers have concerns regarding the nuisance arising from the associated construction activity, which would include dust emissions, noise and traffic. Observers state that the development would result in diminished amenities, health and wellbeing for neighbouring residents. However, given the control of activity on site by the developer, these can be avoided through the use of management measures, as set out in the EIAR, and in the construction and demolition waste management plan and the construction environmental management plan submitted with the application, which outlines how the proposed works will be delivered safely and in a manner that minimises risks to human health. The imposition of limits by conditions on any grant of permission would reinforce the preservation of public health. With the implementation of remedial and mitigation measures, it is concluded that the proposed development would not be likely to have significant adverse effects on human health. A detailed assessment undertaken in section 12.4 above did not find that the development would have detrimental impacts on the amenities of neighbouring properties, including lighting to residences.
- 13.6.3. Other aspects of the development such as air quality, noise/vibration, transportation and hydrology may lead to effects on the local population. In terms of noise and vibration, the occupation of the development would not give rise to any noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that forms part of the built-up area of the expanding city. The impact of additional traffic on noise levels and the character of the surrounding road network would be insignificant having regard to the existing traffic levels on roads in the vicinity and the marginal increase that would occur as a result of the proposed development. This is demonstrated by the Traffic and Transport Assessment devised for the scheme.
- 13.6.4. Observers have raised issues regarding the lack of available school and childcare places to serve the development. I address the issue of schools and childcare provision under the heading 'Residential Amenities' in the planning assessment section of my report. When operational, the proposed childcare facilities would be of benefit for residents of the development and the wider area and the quantitative analysis suggests that there would be capacity in schools within the area to facilitate the development. Schools have been constructed in the area as the population has

increased. New services, such as the convenience retail shop with ancillary café space, and the community amenity spaces would also be of benefit to residents and the wider community, offering potential for people to come together, which would further contribute to building a sense of place and community. I would also note that the development itself would be likely to have significant direct positive impacts with regard to population, as well as material assets, due to the increase in the housing stock that it would make available in this urban area.

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

13.7. **Biodiversity**

13.7.1. Chapter 5 of the EIAR addresses biodiversity with particular attention for species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC. The biodiversity chapter details the survey methodology of the biodiversity assessment and fieldwork dates comprising the 26th day of September 2019, the 28th day of May 2020, the 27th day of November 2020 and the 18th day of May 2021. Breeding bird surveys took place on the May dates referred to above. Bat transect surveys were carried out during September 2019 and August 2020. Aerial photographs and site maps assisted the habitat survey and the habitats identified are categorised in table 5-8 and figure 5-2 of the EIAR. It is noted that an AA Screening Report for the project was prepared as a standalone document. As assessed in section 13 of my report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

13.7.2. In the event of a permission, the Parks, Biodiversity and Landscape Services section of the Planning Authority require the attachment of a condition requiring a report on the status of invasive species on the site, prior to the commencement of construction, as well as the inclusion of mitigation measures for bats as part of the lighting and landscaping scheme.

- 13.7.3. Observers assert that the development would result in the loss of the last remaining green area in Belmayne, which would have an impact on wildlife. The habitat character of the site is mostly defined by soils and bare ground, recolonising bare ground, dry meadow, buildings and artificial surfaces. A hedgerow comprising sycamore, brambles, New Zealand broadleaf and butterfly-bush is situated outside the site along the boundary of no.6 St. Michael's Cottages. Only habitats of low biodiversity value were found during surveys with no tall trees or semi-natural areas of substantive wildlife value.
- 13.7.4. Plant species listed as of the alien invasive variety under SI No. 477 of 2011, were not found to be growing on the site. Habitat suitable for terrestrial mammal species was not identified on site. No evidence of badger, Irish hare, deer, pine marten, red squirrel, Irish stoat, hedgehog or pygmy shrew was found on site. No watercourses or wetlands suitable for species such as otter were found on site. Potential locations for bat roosts were not found on site during surveys, although three bat species were found to be foraging / feeding in the wider area. The overall bat populations were considered to be of negligible value and in the absence of mitigation the proposed development would only be likely to have a minor negative impact on bats, during both the construction and operation phases. Notwithstanding this, mitigation measures requiring appropriate public lighting and landscaping to address potential impacts on bats are set out. During breeding bird surveys, no species of concern were recorded to be using the site, although species of low conservation concern, such as magpie, rook, wood pigeon and linnet, were noted at the site during other ecological surveys.
- 13.7.5. Section 5.5 of the EIAR describes the potential impact of the proposed development and table 5-9 provides a summary of the construction and operation phase impacts. Measures to minimise the impact of the development on biodiversity, includes developing the Construction Environmental Management Plan further for the construction phases of the development. This can be provided as a condition in the event of a permission and should comprise an updated report on the status of invasive species on site. The proposed development would introduce areas of new planting, and the landscaping and planting proposals submitted with the proposed application are satisfactory in that context. Public lighting and landscaping can be

finalised as conditions in the event of a permission to conform to the requirements for same, as set out in the applicant's Bat Assessment.

- 13.7.6. Having regard to the foregoing, including the low ecological value of habitat and species noted on the site, it is not likely that the proposed development would have significant effects on biodiversity. I have considered all of the written submissions made in relation to biodiversity and I am satisfied with regard to the level of information before me in relation to biodiversity. I draw the Board's attention to the AA section of my report (section 14) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.
- 13.7.7. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on biodiversity.

13.8. Land, Soil and Geology

13.8.1. Chapter 6 of the EIAR deals with land, soils and geology, and includes the findings of initial site investigations carried out during June and August 2020, as follows:

- 13 trial pits;
- four silt trenches;
- three soakaways;
- ten window-sample boreholes;
- nine dynamic probes;
- 13 cable-percussion boreholes;
- three rotary-core boreholes;
- 13 in-situ plate-bearing tests;
- three groundwater monitoring wells.

13.8.2. The number of investigative tests locations listed in the EIAR and the Ground Investigation Report appended to the EIAR do not strictly align. Review of the Geological Survey of Ireland (GSI) online mapping service identify topsoils on site

primarily consisting of 'mineral alluvium' alongside 'mineral poorly drained (mainly basic)' soils towards the southern boundary. The GSI mapping identifies the site as largely consisting of subsoils comprising 'alluvium undifferentiated' with 'till derived from limestones' on the southern boundary. Groundwater vulnerability is identified as being low for the site based on GSI mapping. Based on investigations, the depth of rock below ground level on site varies from 2m to 15m and this bedrock consists of limestone. Cohesive deposits, generally described as clay, were encountered beneath made ground and topsoil, with the strength of deposit generally increasing with depth, and with some occasional cobble and boulder content. Tests identified some made ground beneath topsoil or at the surface, but no hazardous materials are identified.

- 13.8.3. The proposed development would result in the loss of more than 4 hectares of unproductive ground that is zoned for development purposes, including residential uses. Given the extent of such land that would remain available in the wider region, this is not considered to be a significant effect of the project. The proposed development would not require substantial changes in the levels of the site. It is therefore unlikely that the proposed development would have significant effects with respect to soil.
- 13.8.4. The construction phase of development would require the removal of a 0.35m-depth of the existing topsoil layer and it is stated that half of the stripped topsoil would be reused on site by being incorporated into landscaping areas and public open spaces. Excavation of subsoil layers will be required in order to remove the existing basement structure and to allow for road construction, foundation excavation, basement excavation for the underground car parks, drainage and utility installation.
- 13.8.5. Subsoil stripping and localised stockpiling of soil will be required during construction. It is estimated that 60,000m³ of soils would be excavated to facilitate construction of the proposed project, 3,000m³ of which would remain on site and 57,000m³ would be exported to a licenced facility. The designed road levels and finished floor levels follow the natural topography of the site, therefore, minimising the need for cut / fill operations to enable development. Importation of structural fill will be required beneath buildings and roadways.

- 13.8.6. Cumulative impacts alongside the construction of Main Street are also considered in the EIAR, including risks of accidental pollution and dust generation. Observers have raised issues regarding the nuisance that would be caused by the construction phase of the development, however, I am satisfied that an appropriate construction traffic management plan can address issues that would arise from the export and importation of materials to and from the site and a dust management plan (appendix 9-3 of the EIAR), as part of the construction environmental management plan would manage and minimise dust emissions. Mitigation measures to address the risk of pollution to groundwater are also set out.
- 13.8.7. I am satisfied that the identified impacts on land, soils and geology would be avoided, managed and mitigated by the measures that form part of the project, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the project would not have any unacceptable direct or indirect impacts in terms of land, soils and geology.

13.9. **Water**

- 13.9.1. Chapter 7 of the EIAR deals with Hydrology and Water Services. The site lies within the Eastern River Basin District, the Mayne-Santry river catchment, the Santry / Mayne - Sluice Water Management Unit and the Liffey and Dublin Bay Hydrometric Area. The Mayne River is a designated EPA watercourse that discharges to the sea at Baldoyle Bay, approximately 2.5 km northeast of the site. The applicant's biodiversity section states that under the Water Framework Directive (WFD) the overall status of the Mayne River catchment has been assessed as of 'poor' status, which indicates point or diffuse pollution sources, or other ecological problems, such as obstructions. The ecological quality of the estuarial transitional waterbody at Baldoyle Bay has been assessed as 'eutrophic', indicating 'bad' status. The Mayne River waterbody has a WFD risk score of 'at risk' of not achieving good status, while the transitional estuary waterbody within Baldoyle Bay has a WFD risk score subject to 'review'. The GSI mapping classifies the bedrock aquifer vulnerability in the region of the subject site as 'low', which indicates a general overburden depth potential of greater than 10m. This indicates that the aquifer is naturally protected by low permeability glacial clays.

- 13.9.2. Proposals with respect to surface water drainage, which would discharge to the Mayne River, are outlined within section 12.7 above. There is potential for impacts to arise during the construction phases of the proposed development from the emission of sediments or hydrocarbons to surface water, as described in section 7.5 of the EIAR. The potential for such effects would be typical for projects involving building on urban infill sites. Standard measures to avoid pollution of waters are to be used and these are described in section 7.8 of the EIAR. The efficacy of such measures is well established in practice. It is reasonable to conclude that the construction of the proposed development would be unlikely to have significant effects on the quality of water.
- 13.9.3. The proposed project was subject to a Site Specific Flood Risk Assessment in accordance with the OPW 'Flood Risk Management Guidelines', and this was included with the planning application as a separate document. The Site Specific Flood Risk Assessment states that the development would be located in Flood Zone C and it would have the required level of flood protection up to and including the 1 in 100-year pluvial flood event. The lowest proposed road level and development finished-floor levels would be approximately 5m to 5.5m above an extreme 1 in 1,000-year fluvial flood event. Should extreme pluvial flooding occur that exceeds the development attenuation capacity (>1 in 100-year flood event), overland flow routes directed towards adjacent public roads are provided, in order to protect the proposed development. Regular maintenance details are referenced within the applicant's Infrastructure Design Report.
- 13.9.4. It is proposed to drain foul effluent from the proposed development to an existing sewer located adjacent to the site's northern boundary. The sewer network that would serve the development ultimately discharges to Ringsend Wastewater Treatment Plant via pumping in the vicinity of Sutton. Irish Water have confirmed that a new connection to the existing network is feasible without upgrade.
- 13.9.5. The water supply for the proposed development would be from a 250mm-diameter main located in the adjoining housing development to the north. An average daily domestic demand for 2,020 persons has been calculated when the site is fully occupied. Irish Water has confirmed that a new connection from the public network is feasible.

13.9.6. I have considered all of the written submissions made in relation to water and the relevant contents of the file, including the EIAR. I am satisfied with the level of information submitted and any issues of a technical nature can be addressed by condition as necessary. It can be concluded that, subject to the implementation of the measures described in the EIAR and conditions in the event of a permission, the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

13.10. Noise, Vibration, Air Quality and Climate

13.10.1. Noise and vibration impacts are addressed in chapter 8 of the EIAR, while air quality and climate are addressed in chapter 9. The proposed apartments and duplexes, the convenience retail unit, the childcare facility and the open spaces would not accommodate activities that would typically cause emissions which would be likely to have significant effects on air quality, climate, noise or vibration. Impacts to climate during the construction/demolition phase are considered imperceptible and therefore residual impacts are not predicted.

13.10.2. There is a potential for dust emissions to occur during construction to sensitive receptors in the vicinity. Measures are proposed to mitigate impacts on air quality, including a dust management plan and dust suppression measures, which would be typical and robust measures in effectively addressing emissions to air during the construction phase of a development. Monitoring during the construction phase is also proposed to mitigate any impacts arising on sensitive receptors. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged on air quality or the noise environment. The development includes a childcare facility and a retail unit with ancillary café, which may be served by external plant, such as air-handling units. I do not anticipate that any significant impacts would arise from these uses, as standard conditions concerning noise and positioning of plant could be attached in the event of a grant of permission. It is therefore concluded that the proposed development is unlikely to have significant effects on air quality.

13.10.3. Background noise was surveyed as largely arising from traffic movement along the R139 regional road and Belmayne Avenue. Noise and vibration impacts would be

most likely to arise during the construction phase of the development with potential nuisance for neighbouring receptors, as referenced in observations to the application. The predicted construction and demolition noise levels at the nearest sensitive receptors would be above the relevant construction noise criteria and in the absence of noise mitigation, a negative, significant and short-term impact would be likely to arise. An Assessment of Inward Noise Impact accompanied the application and this outlines the measures to be undertaken to address noise during the construction and operation phases, based on anticipated noise levels, standard limitations and design parameters. Noise impacts at sensitive receptors during the construction phase would be mitigated by standard practices and conditions can be attached to further address this. The applicant states that external sound equipment is not proposed for the retail unit, which includes an external seating area for its ancillary café use. Vibration during the construction programme is primarily associated with the ground-breaking activities. The main potential source of vibration levels at the adjoining buildings are not expected to pose any significance in terms of cosmetic or structural damage to any of the residential or sensitive buildings in proximity to the development works.

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

13.11. Landscape and Visual Impact Assessment

13.11.1. Chapter 10 outlines the landscape and visual impacts that would arise from the development. To avoid repetition, I have assessed in detail the impact of the scale and height of the proposed development on the environs of the site from an urban design and planning context in the planning assessment of my report (see sections 12.3 and 12.4). The EIAR states that the character of the site environs is defined by a rapidly developing mixed-density urban quarter at the northern fringe of the city. The site primarily comprises bare and recolonising ground, dry meadow and artificial surfaces with a hedgerow adjacent to the eastern boundary. The site does not include any protected structures, nor is it subject of any conservation status, such as

Architectural Conservation Area (ACA) designation. Protected structures are not identified in the immediate site environs. The Development Plan or Local Area Plan do not identify any protected views or landscapes of particular value effecting the site.

13.11.2. The Planning Authority did not raise concerns in relation to the scale or visual impact of the development, noting the scale of development already achieved in the surrounding areas. Observers consider the proposals to have a poor visual impact and appearance and to be out of character with the surrounding built environment, lacking an appropriate transition in heights with neighbouring areas, including lower level housing to the north. A booklet of verified views and photomontages, as well as contextual elevations and CGIs, accompanied the application and EIAR. A total of 13 short and medium-range viewpoints are assessed in the visual impact assessment, as well as the cumulative visual impact alongside other permitted developments.

13.11.3. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles, which provide a comprehensive representation of the likely visual impacts from key reference points. The photomontages and CGIs include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition. The following table 6 provides a summary assessment of the likely visual change from the applicant’s selected viewpoints with the completed proposed development in situ.

Table 6. Viewpoint Changes

No.	Location	Description of Change
1	Junction of Main Street and Belmayne Avenue – 20m southwest	All floors of blocks 1 and 5 would be visible onto the public plaza space, with buildings also visible onto the completed Main Street, albeit with some planting screening views of the buildings. The level of visual change would be substantial from this location, with positive implications in using an open infill urban site and the change would be in keeping with the receiving urban environment.

2	Main Street – 90m west	All levels to block 1 and upper levels to blocks 2 and 3 visible, but partially screened by the mature trees and following the scale of existing development along Main Street, Belmayne. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
3	Main Street – 5m south	All floors of blocks 1, 2 and 4 would be visible onto Main Street and the access road. The level of visual change would be substantial from this location, with positive implications in using an open infill urban site and the change would be in keeping with the receiving urban environment.
4	Main Street – 20m south	All floors of blocks 1 and 2 would be visible onto a completed Main Street. The level of visual change would be substantial from this location, with positive implications in using an open infill urban site and the change would be in keeping with the receiving urban environment.
5	New Priory – 50m southeast	All floors of blocks 2 and 3 would be visible onto Main Street. I consider the magnitude of visual change from this location to be moderate in the context of the receiving urban environment, including similar scale existing apartment blocks in the New Priory complex.
6	Belmayne Avenue – 50m northwest	All floors of blocks 1 and 5 would be visible onto Belmayne Avenue. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
7	Belmayne Avenue – 210m northwest	All floors of block 5 would be visible onto Belmayne Avenue. I consider the magnitude of visual change from this medium-range view to be slight in the context of the receiving urban environment.
8	Churchwell Road – 50m west	All floors of block 5 would be visible onto Belmayne Avenue, enclosing the street. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
9	Parkside Square – 50m north	Upper-level building formation for blocks 1, 4 and 5 would be partially visible, but substantially screened by existing

		buildings, including those on the school campus. I consider the magnitude of visual change from this short-range viewpoint to be moderate.
10	Parkside Close – 150m north	Visibility of the subject development would be restricted by existing housing.
11	Junction Belmayne Avenue and R139 – 120m southwest	All floors of block 1, 2, 3 and 5 would be visible, although unlike photomontage viewpoint 1, this photomontage does not appear to have incorporated the permitted post-primary school in the ‘proposed viewpoint’ . I consider the magnitude of visual change from this medium-range view to be moderate in the context of the receiving urban environment and permitted post-primary school.
12	Temple View Green – 220m southwest	Visibility of the subject development from this medium range viewpoint would be restricted by existing mature trees within the residential greenspace and the development would only result in a slight change in the urban landscape.
13	Grattan Lodge Green – 200m northeast	Visibility of the subject development would be restricted by existing housing.

13.11.4. The proposed development does not represent a substantial increase in height and scale when considering the existing six-storey New Priory development and the six-storey buildings opposite the southwest corner of the site on Main Street and Belmayne Avenue. The applicant’s assessment of the visual impact asserts that the sensitivity of the receiving environment to change of the type proposed can be classified as ‘medium’ and proposed development would result in a ‘high’ magnitude of change for the immediate cityscape reducing to no impact with distance from the development.

13.11.5. The proposed development would change the site from an area of open bare ground to a higher density apartment scheme with buildings of up to nine storeys. This would significantly alter its character and would result in a moderately significant cityscape impact, however, the potential effect on cityscape character would be largely positive. The immediate context of the area has undergone substantial change in recent years, including higher density apartment developments. The

broad changes that would arise from the proposed development would not have a negative effect on the cityscape.

13.11.6. From central areas of the development, taller elements would be seen as consolidating features within the urban landscape. In the immediate area the development would be most visible from along Main Street, Belmayne Avenue and the Parkside estate and residential streets to the north, with only intermittent views of the higher building elements from local vantage points in the wider adjoining residential and commercial areas. The development would be viewed as a substantial insertion into the cityscape where it is most visible and a substantive new feature overlooking the primary streets within this new community, as well as the lower-rise housing areas primarily to the north. Environmental conditions would also influence the appearance of the development from the viewpoints with screening by mature trees varying throughout the seasons, however, I am satisfied that the visual change would be largely moderate, particularly considering the scale of the existing and permitted developments, including the ongoing construction of Main Street and the permitted post-primary school to the south of this. Furthermore, development generally of this scale would not be unexpected in this area consequent to the Local Area Plan and Development Plan objectives for the site providing for substantive development, as well as the recent pattern of permissions for strategic housing developments on the primary streets serving the Clongriffin Belmayne area.

13.11.7. The proposed development would not unduly dominate or undermine the wider character of the area and the scale of the proposed development can be absorbed at a local neighbourhood level. Where potentially discernible from long range views, the proposed development would read as part of the wider urban landscape. The impact on the outlook from neighbouring residences is considered separately in section 12.4 above.

13.11.8. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and place-making aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified visual impacts would be avoided, managed and mitigated by the measures that form part of the layout and design of the proposed scheme. I am therefore satisfied that the

proposed development would have acceptable direct, indirect and cumulative effects on the landscape and acceptable direct, indirect and cumulative visual impacts.

13.12. Material Assets

13.12.1. Material assets are specifically dealt with under chapter 14 of the EIAR, while material assets comprising traffic and transport and waste management are dealt with respectively in chapters 11 and 12 of the EIAR. As noted above, the development is likely to have a significant impact on material assets by increasing the housing stock that would be available in this urban area, and as noted throughout the planning assessment, the development would also improve the amenities of the area by providing a public plaza and the completed greenway section, as envisaged in the Local Area Plan. Observers have raised concerns in relation to the capacity and access to public transport services, the capacity and condition of existing roads infrastructure and the extent of car parking proposed. I have addressed similar issues under the Traffic and Transport section of my report (section 12.6). The proposed development would have a low impact upon the operational capacity of road junctions, and the construction phase impacts on traffic would be managed as part of a construction traffic management plan. Residents of the development would place additional demands on public transport, the carrying capacity of which can be readily increased, as necessary. The development would improve connectivity within the area by connecting into the neighbouring residential area to the north and by completing the greenway route. Furthermore, it would tie in with the new boulevard due for completion in October 2022, which would feature a bus route and bus stops, connecting eastwards to Clongriffin town centre and DART rail services. The site has reasonable access to public transport services and the development would feature a reasonable provision of parking relative to the appropriate standards. Consequently, significant impacts on traffic and transport are not anticipated.

13.12.2. A project specific construction and demolition waste management plan has been prepared for the initial phases of the project, including the removal of the basement structure and topsoil, as referred to above with respect to land, soils and geology. An operational waste and recycling management plan has been prepared for the operation phase of the project based on the anticipated level of service relative to the

expected population equivalents, as referenced above under section 12.5 of my planning assessment.

13.12.3. In terms of material assets and built services, potential minor impacts are considered to arise in relation to water supply, foul and surface water drainage, gas and telecommunications and the electrical supply network. Any disruption of utility services in the area during the construction phases is predicted to be brief and temporary in nature. The EIAR states that demand from the proposed development during the operational phase is not predicted to impact on the existing power, gas and telecoms networks and connections to same would be feasible. Any impacts to material assets are seen as neutral, imperceptible and long-term. Cumulative impacts have been considered, including the permitted development in the vicinity of the site.

13.12.4. I have considered all of the written submissions made in relation to material assets such as those relating to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures that form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets, including site services, waste management, traffic and transport.

13.13. Cultural Heritage, Archaeology and Architectural Heritage

13.13.1. Chapter 13 of the EIAR describes and assesses archaeology and cultural heritage. In terms of archaeological potential, the applicant's desk-based study was supported by a walkover field-based visual survey in March 2020 investigating the potential for the site to contain unrecorded archaeological material. The applicant's surveying assessed land-use patterns, site topography and the presence of any previously unrecorded sites of archaeological and cultural heritage interest. The site itself was noted to have been subject to a high level of disturbance and contains rubble and debris. Buildings of architectural significance on the site or in its environs have not been identified and the site is outside any mapped historical demesne landscapes.

13.13.2. A chronological description of the historical context for the site is provided and the applicant states that there are four recorded monuments within a 500m radius of the proposed development area, including the zone of archaeological notification for site

reference DU015-062 approximately 280m to the north encompassing a building (DU015-062003) and the site of a 16th/17th-century house (DU015-062002). The findings of known archaeological surveying in the immediate area to the site are identified in the EIAR. The conclusions of the surveying undertaken is asserted to reveal that there is no clear archaeological potential identified for the site.

13.13.3. Given the potential for unknown archaeological features to survive on site, ground disturbance works should be monitored by an archaeologist and if findings are uncovered preservation or recording should occur. The Planning Authority has requested a condition to be attached in the event of a permission to address the potential for archaeological finds on site during the construction phase of the project and based on the information available, such a condition would appear reasonable and necessary to attach.

13.13.4. I have considered all of the written submissions made in relation to archaeology, architectural and cultural heritage. I am satisfied that the identified impacts on archaeology, architectural and cultural heritage would be avoided, managed and mitigated by the measures that form part of the proposed scheme. I am satisfied that the proposed development would not have any significant direct or indirect impacts on archaeology, architectural and cultural heritage.

13.14. The interaction between the above factors

13.14.1. Chapter 15 of the EIAR comprises a matrix (table 15-1) of significant interactions between each of the environmental disciplines. All interactions between the various elements of the project were considered and assessed both individually and cumulatively within each chapter. Where necessary, mitigation was employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another. A total of 15 potential interactions between the assessed disciplines are addressed in the EIAR, including the potential for impacts of land, soils and geology to interact with population and human health, arising from dust generation during construction works, which could lead to localised dust emissions at neighbouring properties, particularly during dry and windy weather conditions. There is also potential for impacts from the development on material assets to interact with population and human health, due to

the potential for disruption or damage to local utility services during the construction phase of the development.

13.14.2. I have considered the interrelationships between the factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified. I am satisfied that the various interactions were properly described in the EIAR.

13.15. **Cumulative Impacts**

13.15.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including the completion of Main Street Boulevard running along the southern boundary of the site. Residential development adjacent to the north of the site was nearing completion at the time of my visit to the area. Permission was granted for a new post-primary school to replace the existing temporary school accommodation on a site directly to the south of the application site on the opposite side of Main Street.

13.15.2. Throughout the EIAR the applicant has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing and permitted developments in the environs of the site. Such development would be largely in accordance with the nature and scale of development envisaged for the area within the Development Plan and the Local Area Plan, both of which have been subject to Strategic Environment Assessment. The nature, scale, form and character of the project would generally be similar to the nature, scale, form and character of development envisaged for the site within the adopted statutory plans for this area. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans. The proposed development is not likely to give rise to environmental effects that were not envisaged in the statutory plans that were subject to SEA. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area and the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

13.16. Reasoned Conclusion on the Significant Effects

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

- direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;
- direct negative effects on biodiversity as a result of lighting to the proposed development impacting on foraging / feeding bats, which would be mitigated by the external lighting specifications proposed;
- direct negative effects on soil during construction, which would be mitigated by the reuse of some materials on site and the implementation of measures to control emissions of sediment to water and dust to air;
- direct negative effects arising from noise and vibration during construction phases, which would be mitigated by a suite of appropriate construction phase management measures and building design specifications for the proposed apartments;
- direct negative effects on air during construction, which would be mitigated by a dust management plan, including a monitoring programme;
- indirect negative effects on water, which would be mitigated during the construction phase by management measures to control the emissions of sediment to water and mitigation during the operational phase by the proposed system for surface water management and the extent of attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system;
- direct positive effects on the cityscape, as the proposed development would complete the Parkside urban development cell envisaged in the Belmayne Clongriffin Local Area Plan 2012 (as extended) and the improved amenity of the land through the provision of dedicated public open spaces, including a public plaza and completed public greenway.

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

14.0 Appropriate Assessment

14.1. Introduction

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

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

14.2.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development in the Parkside urban cell off Belmayne Avenue, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

14.3. Stage 1 AA Screening

14.3.1. The applicant has submitted an AA Screening Report dated October 2021 and prepared by Openfield Ecological Services. The AA Screening Report provides a description of the site, including biodiversity features, a description of the proposed development, including the main phases of the project, and identifies European sites within the possible zone of influence of the development. The AA screening report is supported by associated reports, including an EIAR and a Hydrological and Hydrogeological Qualitative Risk Assessment.

Site Location

14.3.2. A description of the site is provided in section 1 above. The site contains a basement structure towards the western side and a construction compound, which appears to serve the Main Street boulevard development, is situated on the eastern side. The site is serviced by public water and drainage networks and is dominated by artificial surfaces (BL3), spoil and bare ground (ED2) and recolonised bare ground (ED3). A mature line of hedgerow sits outside the site along the eastern boundary with St. Michael's Cottages. The Mayne River is the closest surface watercourse to the application site and this is situated approximately 600m to the north. No Annex I habitats were recorded within the application site during the applicant's habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Invasive species were not recorded on site.

Proposed Development

14.3.3. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. The length of the construction phase has not been specifically estimated for the project by the applicant, although a seven-year permission has been sought. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Ringsend Wastewater Treatment Plant (WWTP). Ultimately the resultant treated wastewaters from the proposed development would discharge to Dublin Bay. Surface water from the development would be discharged into the network situated within the existing Parkside development to the north. Following various standard practice construction site environmental management measures,

as well as SUDS measures, surface waters passing through the network would ultimately discharge to the Mayne River, which subsequently discharges to the Mayne and Sluice River estuary at Baldoyle Bay. SUDS measures are proposed alongside a Construction Environmental Management Plan and a Construction and Demolition Waste Management Plan.

14.3.4. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

Submissions and Observations

14.3.5. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this Report.

European Sites

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

Table 7. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
000199	Baldoyle Bay SAC <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	1.7km	east
004016	Baldoyle Bay SPA <ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] 	2.2km	east

	<ul style="list-style-type: none"> • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Wetland and Waterbirds [A999] 		
000206	<p>North Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 	2.6km	southeast
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] 	2.6km	southeast

	<ul style="list-style-type: none"> • Black-headed gull [A179] • Wetland and waterbirds [A999] 		
000205	<p>Malahide Estuary SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] 	4.5km	north
004024	<p>South Dublin Bay and River Tolka Estuary SPA</p> <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 	4.8km	southeast
004025	<p>Malahide Estuary SPA</p> <ul style="list-style-type: none"> • A048 Shelduck (<i>Tadorna tadorna</i>); • A054 Pintail (<i>Anas acuta</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A162 Redshank (<i>Tringa totanus</i>) • A143 Knot (<i>Calidris canutus</i>) 	5.1km	north

	<ul style="list-style-type: none"> • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) • Wetlands 		
004113	<p>Howth Head Coast SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] 	5.7km	southeast
004117	<p>Ireland's Eye SPA</p> <ul style="list-style-type: none"> • 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>) 	6.3km	east
002193	<p>Ireland's Eye SAC</p> <ul style="list-style-type: none"> • 1220 Perennial vegetation of stony banks • 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 	6.5km	east
003000	<p>Rockabil to Dalkey Island SAC</p> <ul style="list-style-type: none"> • Reefs [1170] • Harbour Porpoise (<i>Phocena phocena</i>) [1351] 	6.5km	east
000210	<p>South Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 	6.9km	southeast
004113	<p>Howth Head Coast SPA</p>	7.6km	southeast

	<ul style="list-style-type: none"> • A188 Kittiwake (<i>Rissa tridactyla</i>) 		
000208	<p>Rogerstown Estuary SAC</p> <ul style="list-style-type: none"> • 1130 Estuaries • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 	10.4km	north
004015	<p>Rogerstown Estuary SPA</p> <ul style="list-style-type: none"> • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A043 Greylag Goose (<i>Anser anser</i>) • A143 Knot (<i>Calidris canutus</i>) • A137 Ringed Plover (<i>Charadrius hiaticula</i>) • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A056 Shoveler (<i>Anas clypeata</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A162 Redshank (<i>Tringa totanus</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • Wetlands 	10.5km	north
004069	<p>Lambay Island SPA</p> <ul style="list-style-type: none"> • A043 Greylag Goose (<i>Anser anser</i>) • A200 Razorbill (<i>Alca torda</i>) • A184 Herring Gull (<i>Larus argentatus</i>) • A009 Fulmar (<i>Fulmarus glacialis</i>) • A204 Puffin (<i>Fratercula arctica</i>) • A183 Lesser Black-backed Gull (<i>Larus fuscus</i>) 	12.8km	northeast

	<ul style="list-style-type: none"> • A188 Kittiwake (<i>Rissa tridactyla</i>) • A199 Guillemot (<i>Uria aalge</i>) • A018 Shag (<i>Phalacrocorax aristotelis</i>) • A017 Cormorant (<i>Phalacrocorax carbo</i>) 		
000204	Lambay Island SAC <ul style="list-style-type: none"> • 1170 Reefs • 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts • 1364 Grey Seal (<i>Halichoerus grypus</i>) • 1365 Harbour Seal (<i>Phoca vitulina</i>) 	12.9km	northeast
004172	Dalkey Islands SPA <ul style="list-style-type: none"> • A194 Arctic Tern (<i>Sterna paradisaea</i>) • A193 Common Tern (<i>Sterna hirundo</i>) • A192 Roseate Tern (<i>Sterna dougallii</i>) 	14.6km	southeast

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

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

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Yes - Weak indirect hydrological connections exist through wastewater from the site passing through and treated in	Yes
North Bull Island SPA	QIs – 18 bird species		

004006	To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species	Ringsend WWTP, discharging to Dublin Bay	
North Dublin Bay SAC 000206	QIs – 10 coastal habitat and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf	Yes - Weak indirect hydrological connections exist through wastewater from the site passing through and treated in Ringsend WWTP, discharging to Dublin Bay	Yes
South Dublin Bay SAC 000210	QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		
Baldoyle Bay SAC 000199	QIs – 4 coastal habitat https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000199.pdf	Yes - Weak indirect hydrological connections exist through surface water ultimately discharging to the Mayne River, which discharges to Baldoyle Bay.	Yes
Baldoyle Bay SPA 004016	QIs – 7 bird species/groups https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004016.pdf		

14.4. Potential Effects

- 14.4.1. The applicant's screening report provides an overview of the data collected to carry out the assessment, including water quality status, conservation management plans, NPWS data and research, information from EIAR for other projects and the applicant's Hydrological and Hydrogeological Qualitative Risk Assessment. Habitat loss and fragmentation would not arise given the location of the site and nature of the proposed development.

14.4.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

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

Construction Phase

14.4.3. Having regard to the information submitted with the application, including the Infrastructure Design Report, the Construction Environmental Management Plan and the Construction and Demolition Waste Management Plan, pollution sources would be controlled through the use of normal best practice site management. The proposed construction management measures outlined are typical and well-proven construction (and demolition) methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.

14.4.4. There are no surface watercourses on site based on the survey for the site and the drainage proposals submitted. Surface water from the proposed development would drain to the surface water sewers constructed on the residential lands to the north, prior to discharge to the Mayne River, which ultimately drains to Baldoyle Bay estuarial waters. According to the EPA, the water quality of the Mayne River is currently assessed as 'poor' while Baldoyle Bay is 'eutrophic'. Under the second River Basin Management Plan 2018-2021 the Mayne River is identified as one of 190 'priority areas for action'.

14.4.5. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Baldoyle Bay, including Baldoyle Bay SAC and Baldoyle Bay SPA, can be excluded given the absence of a likely pollution source on the site, the

considerable intervening distances and the volume of waters separating the application site with the European sites in Baldoyle Bay (dilution factor).

- 14.4.6. Survey details provided with the applicant's AA Screening report do not highlight qualifying interest species or other species associated with the conservation objectives of neighbouring European sites habituating the site or its adjoining area. The development would not increase disturbance effects to birds in Baldoyle Bay and Dublin Bay, including during construction (and operational) phases, given the separation distance from these sensitive areas across extensive urban areas.
- 14.4.7. The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

Operational Phase

- 14.4.8. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through an offsite attenuation tank and a flow-control hydrobrake on the phase 1 lands. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Baldoyle Bay and further beyond this estuarial area can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the application site from European sites in Baldoyle Bay (dilution factor).
- 14.4.9. Wastewater would ultimately be treated at Ringsend Wastewater Treatment Plant (WWTP) and, according to the applicant, the proposed development would result in a loading equivalent to 2,020 persons. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Ringsend WWTP, which would in any event be subject to Irish Water consent, and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. Notwithstanding this, water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to Ringsend WWTP (i.e. South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to

habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.

14.4.10. On the basis of the foregoing, I conclude that the proposed development would not substantively impact the overall water quality status of Baldoyle Bay and 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 Baldoyle Bay and Dublin Bay via surface water runoff and emissions to water.

In-combination Impacts

14.4.11. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP. Other ongoing developments in the area include the post-primary school south of the Main Street boulevard project under construction along the southern boundary of the site.

14.4.12. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012. Both the Development Plan and Local Area Plan have been subject to AA by the Planning Authority, who concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising. Furthermore, I note that the first phase of upgrade works to the Ringsend WWTP extension (ABP ref. PL.29N.YA0010) serving an additional population equivalent of 400,000 persons were completed in December 2021 and the facility is currently operating under the EPA licencing regime that was subject to AA Screening.

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

AA Screening Conclusion

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

14.4.15. The proposed development was considered in light of the requirements of Section 177U of the Act. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 000210 (South Dublin Bay SAC), European Site No. 000199 (Baldoyle Bay SAC) and European Site No. 004016 (Baldoyle Bay SPA) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

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

15.0 Conclusion and Recommendation

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

16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 19th day of November, 2021, by Cairn Homes Properties Limited care of McGill Planning of 22 Wicklow Street, Dublin 2.

Proposed Development:

The development will consist of:

- a) the removal of the existing substructures (basement) on site (constructed under DCC Reg. Ref: 4776/07);
- b) the construction of a residential scheme of 730 no. residential units in five urban blocks, made up of five apartment buildings and two duplex buildings ranging in height from 1 to 9 storeys.
- c) the units will comprise 3 no. studios, 315 no. 1 beds, 376 no. 2 beds and 36 no. 3 bed units. All residential units will have north/south/east/west facing balconies/ terraces.
- d) the proposed development includes internal residential amenity facilities at the ground floor of block 1, 2 and block 5, new convenience retail unit (incorporating ancillary off-licence, deli, coffee area, and storage) at ground floor level of block 1, a creche on the ground floor of block 4, a new public plaza, the completion of the greenway, provision of 510 no. car spaces and 1,285 no. cycle parking spaces at basement and surface level.
- e) vehicular and pedestrian accesses are from Main Street, Belmayne Avenue, and the Parkside 5A development. There is also pedestrian only access from the greenway.
- f) all associated site development works, open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas, and services provision (including ESB substations).

on lands at Parkside phase 5b, Parkside, Dublin 13

Decision

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

Matters Considered

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

Reasons and Considerations

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

- a) The policies and objectives of the Dublin City Development Plan 2016-2022;
- b) The policies and objectives of the Clongriffin Belmayne Local Area Plan 2012, as extended;
- c) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness issued by the Department of Housing, Planning, Community and Local Government in July 2016;
- e) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- f) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;

- g) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- h) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- i) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- j) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- k) The provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government in 2009;
- l) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- m) The pattern of existing and permitted development in the area;
- n) The provisions of Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development that materially contravenes a Development Plan or a Local Area Plan;
- o) The submissions and observations received;
- p) The Chief Executive's report from the Planning Authority;
- q) The report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and application documentation and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and considered that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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

- a) The nature, scale and extent of the proposed development;
- b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- c) The submissions from the applicant, the Planning Authority, the observers, and the prescribed bodies in the course of the application; and;
- d) The Planning Inspector's report;

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

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and the

associated documentation submitted by the applicant and submissions made in the course of the planning application.

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

- direct positive impacts with regard to population and material assets, due to the substantive increase in the housing stock during operational phases;
- direct negative effects on biodiversity as a result of lighting to the proposed development impacting on foraging / feeding bats, which would be mitigated by the external lighting specifications proposed;
- direct negative effects on soil during construction, which would be mitigated by the reuse of some materials on site and the implementation of measures to control emissions of sediment to water and dust to air;
- direct negative effects arising from noise and vibration during construction phases, which would be mitigated by a suite of appropriate construction phase management measures and building design specifications for the proposed apartments;
- direct negative effects on air during construction, which would be mitigated by a dust management plan, including a monitoring programme;
- indirect negative effects on water, which would be mitigated during the construction phase by management measures to control the emissions of sediment to water and mitigation during the operational phase by the proposed system for surface water management and the extent of attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system;
- direct positive effects on the cityscape, as the proposed development would complete the Parkside urban development cell envisaged in the Belmayne Clongriffin Local Area Plan 2012 (as extended) and the improved amenity of the land through the provision of dedicated public open spaces, including a public plaza and completed public greenway.

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

Conclusions on Proper Planning and Sustainable Development

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

The Board considered that with the exception of residential density and unit numbers, building heights, unit mix and units per core, the proposed development would be compliant with Clongriffin Belmayne Local Area Plan 2012, as extended, and the Dublin City Development Plan 2016-2022, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, it would materially contravene the Dublin City Development Plan 2016-2022 in relation to building heights, unit mix and units per core and it would materially contravene the Clongriffin Belmayne Local Area Plan 2012, as extended, in relation to residential density and unit numbers, as well as building heights. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission, in material contravention of the Clongriffin Belmayne Local Area Plan 2012, as extended, and Dublin City Development Plan 2016-2022, would be justified for the following reasons and consideration.

- the proposed development is considered to be of strategic and national importance given its potential as a site located within the Clongriffin-Belmayne area designated as 'Strategic Development and Regeneration Area 1 - North Fringe' in the Dublin City Development Plan 2016-2022 and its potential to substantively contribute to the achievement of the Government's national policy to increase housing supply, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland - Action Plan for Housing and Homelessness' (2016). Furthermore, the location of the application site within a Strategic Development and Regeneration Area, in itself refers to the strategic importance of the site, which elevates it above other zoned lands contained in the Development Plan. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(i) are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the material contravention of the building heights, unit mix and units per core provisions of the Dublin City Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to objectives of the Dublin City Development Plan 2016-2022 conflicting with those of the Clongriffin Belmayne Local Area Plan 2012, as extended, with respect to building heights. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(ii) are applicable with respect to the material contravention of the building height provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the Dublin City Development Plan 2016-2022;
- it is considered that permission for the proposed development should be granted having regard to Government policies, as set out in the National Planning Framework, in particular national policy objectives 13 and 35, provisions set out in the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, the Urban Development and Building Heights Guidelines for Planning Authorities (2018), in particular Specific Planning Policy Requirement 3(a), and the Sustainable Urban Housing: Design Standards for New Apartments, in particular Specific

Planning Policy Requirements 1 and 6. Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, the material contravention of the building height provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the material contravention of the building height, unit mix and units per core provisions of the Dublin City Development Plan 2016-2022;

- it is considered that permission for the proposed development should be granted having regard to recent neighbouring permissions in the area, including the pattern of residential density and unit numbers, building heights and unit mix granted permission under An Bord Pleanála references 310077-21 and 305623-19. The proposed development is to an extent, continuing on the pattern of development granted in those permissions. Accordingly, the provisions set out under section 37(2)(b)(iv) are applicable with respect to the material contravention of the building height, residential density and unit number provisions of the Clongriffin Belmayne Local Area Plan 2012, as extended, and the material contravention of the building height and unit mix provisions of the Dublin City Development Plan 2016-2022.

17.0 Conditions

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

Reason: In the interest of clarity.

2. Revised details shall be submitted with regard to the following:
- (a) revised materials shall be provided for the internal courtyard elevations and all ancillary structures, including bin/bike stores and electricity substations, omitting the use of render finishes;
 - (b) revised landscape layout to provide planting to privacy strips forming defensible space to all ground-floor windows and terraces, including spaces fronting bedroom 2 of apartment 372 in block 3, bedroom 2 of apartment 269 in block 2 and apartment 200 in block 2, or revised entrance details to apartment blocks to provide projecting screen walls;
 - (c) additional terraces onto the communal open space serving units 259 and 260 in block 2 or repositioning of the front terraces onto the rear communal open space with revised internal layouts and openings;
 - (d) clarification of the provision and position of the balconies serving units 207 and 208 in block 2;
 - (e) provision of 1.8m-high privacy screens on the northeast side of balconies serving upper-floor apartments 494, 504, 514 and 524 in block 4 and between the adjoining balconies and terraces throughout the development, including those serving apartments in block 5, balconies and terraces on the west elevation of block 3 and terraces serving apartments 319 and 320 in block 2;
 - (f) provision of opaque glazing in the north-facing windows only serving the upper-floor to block 3 apartments 386, 387, 388, 399, 410, 411, 423 and 422 and the adjacent hallways;
 - (g) provision of 1.8m-high privacy screens to the east side of the respective balconies serving apartments 442, 445, 449, 453 and 457 of block 3 and the provision of opaque glazing to the east-facing windows serving these apartments and/or the provision of a replacement south-facing window to each apartment with revised internal layouts;

(h) provision of electric-charge bicycle spaces and cycle repair area to basement level and the provision of non-standard (cargo) secure and convenient cycle parking spaces to serve the retail unit.

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

Reason: In the interests of clarity, visual and residential amenity and promoting sustainable transport.

3. The mitigation and monitoring measures outlined in chapter 16 of the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The phasing scheme shall identify how vehicular access, as well as a sufficient quantum of car and cycle parking spaces to serve residents, occupants and visitors for each phase of the development, would be provided throughout the construction phases of the development, as well as all services, including surface water drainage and external lighting.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless

otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. The following requirements shall apply to the proposed retail unit and childcare facility:
 - a) Prior to the occupation of the retail unit and childcare facility, finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the Planning Authority.
 - b) The glazing to the retail unit shall be kept free of all stickers, posters and advertisements.
 - c) Prior to the occupation of the retail unit, the area for the sale or display of alcohol products and the area for the café / deli, shall first be submitted to and agreed in writing with the Planning Authority.
 - d) Permission is for an ancillary café use to the proposed convenience retail unit, where no hot food preparation on the premises is permitted. Any change to this arrangement shall be subject to a separate grant of planning permission.

Reason: In the interest of clarity, visual amenity and the proper planning and orderly development of the area.

7. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. All findings of the submitted Quality Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority and a consistent raised footpath shall be provided at all of the basement entrance ramps, as well as the provision of wheel stops to perpendicular surface-level car parking spaces.

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

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Residential car parking spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car parking shall be continually managed.

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

10. Prior to the commencement of any duplex unit in blocks A and B of the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority and such agreement

must specify the number and location of each duplex unit, pursuant to Section 47 of the Planning and Development Act 2000, as amended, which restricts the duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and or by those eligible for the occupation of social and/or affordable housing, including cost-rental housing.

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

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

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

12. A minimum of 10% of all car parking spaces should be provided with electric vehicle (EV) charging stations/points, at least one of which should serve a car club / car share space, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.

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

13. All plant, including extract ventilation systems and refrigerator condenser units, shall be sited in a manner so as not to cause nuisance at sensitive

locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations. Basement ventilation shall not be positioned adjacent to apartment terraces.

Reason: In the interests of residential amenity.

- 14.** No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

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

Reason: In the interest of public health.

- 16.** a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, including drainage compliance conditions of the previous permission under Dublin City Council reference 2941/14.
- b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage

infrastructure during construction, shall be submitted to the planning authority for written agreement.

- d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

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

- 17. Public lighting shall be provided in accordance with a scheme, which shall include lighting for play areas, the public plaza and the pedestrian / cycle routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the development phasing arrangements and the existing and permitted public lighting in the surrounding area and the requirements of the Bat Assessment submitted. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

- 19.** Prior to the commencement of development on site, the following landscaping, open space and ecology details shall be submitted to and agreed in writing with the planning authority:
- a) The site shall be landscaped and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, including the Landscape Report, which accompanied the application, unless otherwise agreed in writing with the planning authority.
 - b) Details of hard landscaping materials, including materials for the public plaza.
 - c) Further details of the play spaces and associated features assigned for children of all ages.
 - d) A public artwork feature shall be provided as an enhancement to the public plaza.
 - e) A report clarifying the status or absence of invasive species on the site and method to address same should invasive species be found to be present.
 - f) Details of landscaping measures to address impacts on foraging / feeding bats.

Reason: In the interest of the environment, local and visual amenities, and to accord with the requirements of the Clongriffin Belmayne Local Area Plan 2012, as extended.

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

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

21. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access roads, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority and details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

22. (a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall include details of the locations and designs for bin marshalling areas serving the development.

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

23. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works and shall undertake a pre- and post-construction survey for potential burial grounds on site.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site and surrounding area,
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements, including, if necessary, archaeological excavation, prior to commencement of construction works.

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

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

24. 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.

- 25.** The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended phased construction practice for the development, including:
- a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;

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

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

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

27. 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.

28. 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.

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

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

Colm McLoughlin
Senior Planning Inspector

23rd March 2022