



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
312209-21**

Strategic Housing Development

Construction of 114 no. apartments and 5 retail / commercial units and all associated site works.

Location

61 & 63 Fairview Strand and No. 3, No. 19 and No. 21 Esmond Avenue, and at rear of No. 19 Philipsburgh Avenue, Fairview, Dublin 3

Planning Authority

Dublin City Council.

Prospective Applicant

Banner A Cuig Limited

Date of Consultation Meeting

28th March 2022

Date of Site Inspection

11th March 2022

Inspector

F. Fair

1.0 Introduction

- 1.1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The subject site, which has a stated area of 0.5088 ha is located north of Fairview Strand and on both the east and west sides of Esmond Avenue. The subject site is located east of the Jewish Cemetery. The houses facing Fairview Strand are historic late Georgian and early Victorian structures (Nos 61 and 63 Fairview Strand). Esmond Avenue runs perpendicularly to Fairview Strand and is characterised by service laneways and rear yards. The site of future Block A has been cleared of previous structure, while there is shed structure and hardstanding on the site of Block B. A portion of basement permitted for the Fairview Close apartment lies under part of the larger of the split sites. The site of Block C contains a number of older commercial structures served by a central yard area.
- 2.1.2. The site for this proposal is located in an area of transformation which is surrounded by traditional lower scale residential development and brownfield commercial properties. The site abuts and directly adjoins two recently constructed apartment developments both of which are up to 5 storeys in height (Richmond Gardens & Fairview Close).

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of:

Table 1

Parameter	Site Proposal
Site area	0.508 hectares
No. of Units	<p>114 no. units</p> <p>3 Apartment Blocks A, B and C comprising:</p> <ul style="list-style-type: none"> • 56 no. 1- bedroom apartments (49%) • 11 no. 2- bedroom apartments (3 person) (9.6%); • 45 no. 3- bedroom apartments (4 person) (39.5%); • 2 no. 3- bedroom apartments (1.75%). & <p>The reinstatement of the 2 no. houses at No.'s 61 and 63 Fairview Strand.</p> <p>The construction of a new three storey extension (299.08m²) to the western side of No.63 Fairview Strand incorporating retail/commercial use at ground and first floor and a two bedroom apartment at second floor level.</p>
Demolition Works	Demolition of existing structures (combined area of 1343.66m ²) comprising warehouse buildings at No.3 Esmond Avenue and No. 21 Esmond Avenue, business centre, part single storey and part two storey at No.19 Esmond Avenue, and boundary walls.
Non Residential Uses	5 retail commercial Units 394 sq. m
Density	288 units / ha
Height	<p>Block A – 5 storey</p> <p>Block B – 2 – 5 storey – with 6th floor set back</p>

	Block C – 3 storey
Plot Ratio	1.9
Site Coverage	53%
Dual Aspect Apartments	51%
Open Space (both POS & COS)	1051 sq. m
Car Parking Total	24 / 28 spaces (Inconsistent)
Bicycle Parking	250 – Basement of Blocks A & B and C has ground level storage.
Vehicular Access	Basement is accessed through the adjoining development
Part V	Not Indicated

4.0 National and Local Planning Policy

4.1.1. National

Project Ireland 2040 - National Planning Framework

Chapter 4 of the Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. National Policy

Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities. Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

4.1.2. **Regional Policy**

Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy.

The NPF requires the Regional Assemblies to prepare Regional Spatial and Economic Strategies in accordance with the Framework set by the NPF. The subject site is located in the Eastern and Midland Regional Assembly area for which a Regional Spatial and Economic Strategy (RSES) was published for the period 2019-2031.

The Strategic Vision of the RSES sets out 16 ‘Regional Strategic Outcomes’ (RSOs), which are noted to be:

“Aligned with international, EU and national policy and which in turn set the framework for City and County Development Plans.”

The following Regional Strategic Outcomes (RSO) are of particular relevance to the proposal:

RSO 1: Sustainable Settlement Patterns “Better manage the sustainable and compact growth of Dublin as a city of international scale”.

RSO 2: Compact Growth and Urban Regeneration “Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region’s citizens”.

RSO 6: Integrated Transport and Land Use “Promote best use of Transport Infrastructure, existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and land use planning”.

The Settlement Strategy of the RSES is informed by the NPF which predicts that the population of Dublin will increase from 1,347,500 in 2016, to between 1,489,000-1,517,500 in 2026 and to between 1,549,500-1,590,000 by 2031.⁸ The Settlement Strategy for Dublin City and Suburbs builds on the objectives of the NPF and recognises the need for compact growth with the following summary provided:

“Promote compact, sequential and sustainable development of urban areas from large to small to realise targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs”

It is noted that the RSES supports continued population and economic growth in Dublin City and suburbs, with high quality new housing promoted and a focus on the role of good urban design, brownfield redevelopment and urban renewal and regeneration. Consolidation and re-intensification are specific objectives of the Settlement Strategy for Dublin City and Suburbs as outlined in Regional Policy Objective (RPO) 4.3 that seeks to:

“Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

”In terms of housing, RPO 5.5 is relevant to the proposed development as the Objective is based on the need to provide quality, affordable housing which plays a key role in underpinning economic growth and competitiveness of the Dublin Metropolitan Area. The Objective sets out that:

“Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.”

4.1.3. **Local Policy**

Dublin City Development Plan 2016-2022

Relevant Chapters and Policy from the Dublin City Development Plan 2016-2022

Chapter 4 – Shape and Structure of the City

Chapter 5 Quality Housing

Chapter 6 City Economy and Enterprise

Chapter 10 Green Infrastructure, Open Space and Recreation

Chapter 11 Built Heritage and Culture

Chapter 12 Sustainable Communities and Regeneration Areas

Chapter 16 Development Standards

Appendix 2 Housing Strategy

Appendix 13 Guidelines for Childcare Facilities

Appendix 14 Safety and Security Guidelines.

The site has two zoning designations: Nos 61 and 63 Fairview Strand and the frontage onto Fairview Strand is zoned Z1 – To protect, provide and improve residential amenities.

The remainder of the site, including the area of previous groundworks and the area of the warehouse and yard is zoned Z10 – To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses, with residential the predominant use in suburban locations, and office/retail/residential the predominant uses in inner city areas.

Part of Esmond Avenue was zoned Z6 – To provide for the creation and protection of enterprise and facilitate opportunities for employment creation. This includes the east side of the avenue as well as, unusually, the carriageway itself. However it was rezoned to Z1 as a Variation to the current Development Plan.

The provision of residential use is considered a ‘permissible use’ under the zoning objective Z1. The proposed residential use of the site is considered a ‘permissible use’ under the zoning objective Z10. Office use is not specified as either ‘permissible’ or ‘open to consideration’ in the Z1 zoning matrix.

5.0 Planning History

Plan ref no 4679/18 refers to the decision to REFUSE planning permission for a mixed residential/ commercial development. The proposed development consists of the demolition of an adjoining pair of derelict and vacant 2 storey over garden level houses at 61& 63 Fairview Strand and the demolition of an existing warehouse building at 3 Esmond Avenue. The proposed development consists of the construction of two number 3-6 storey buildings marked as Block A and Block B accommodating 97 apartments comprised of 48 one bedroom apartments and 49 two bedroom apartments and five number offices/ commercial units at ground floor level. Balconies to be provided at all levels of Blocks A and B and roof garden at fourth floor level of Block A. Vehicular access to the proposed development will be via the existing adjoining development at Fairview Close with 24 car parking spaces, 1 motorcycle space and 41 bicycle parking spaces and ancillary services in the

already approved existing basement car park under Block A with an additional area of 116 sq. meters. The existing basement car park area was constructed on an area of the site granted planning permission under planning Register reference No 3291/07. The proposed development also provides for 108 bicycle parking spaces and ancillary service areas in a basement area of 404 sq. metres below a section of Block B and an ESB substation at ground level in Block B accessed off Esmond Avenue, all on site with an area of 0.363 hectares (subject site).

Reasons for refusal:

1. The Planning Authority considers the demolition of No's 61 and 63 Fairview Strand is not justified and their removal may have a detrimental impact on the local history of the area.
2. The height and massing of the two blocks, would constitute overdevelopment of the site which would result in a poor level of residential amenity for future occupants
3. The proposed development would have its principal street frontage onto Esmond Avenue which is a narrow service lane used currently by small businesses and local residents. The Planning Authority does not consider this lane to be a typical public street in urban design terms and the siting of buildings between four and six stores onto the lane would be visually incongruous and obtrusive, would create overlooking and overbearing of adjacent sites and would affect the development potential of adjacent sites on the east side of Esmond Avenue given the inadequate separation distances involved.

Plan ref no 3291/07 refers to the decision to grant permission for the development will form part of already approved development at Fairview Close (Reg. Ref. 1195/04 PL29N207909) comprising: (1) demolition of existing sheds to rear gardens of existing terraced houses at 61 & 63 Fairview Strand and (2) construction of new 4 storey block (block F) over basement comprising total of 5 no. commercial units, 1 ESB sub station and 23 no. apartments and extension of basement car park from

adjacent development reg. ref. 1195/04, PL29N.207909 to the west to provide 23 no. car parking spaces for apartments and 5 no. car parking spaces for commercial units (total 28 no. parking spaces), 23 no. bicycle spaces and 13 no. bicycle storage spaces behind new car-parking spaces, bin storage and escape/access stairs (subject site)

Plan ref no. 3195/06 refers to the decision to grant permission by Fairview Building Company Limited for changes to approved development (Reg. Ref .Nos. 1195/04 &PL29N.207909) at 2 - 8 Richmond Avenue, 65 Fairview Strand, Dublin 3, comprising alterations to 5 storey over basement Block 'C', namely - (i) change of size, layout and location (development now to include part of No. 283 Richmond Road), (ii) change of accommodation from 43 no. apartments (29 no. 2 bedroom apartments, 5 no. 1 bed apartments and 9 no. 3 bedroom apartments) to 57 no. apartments (25 no. 2 bedroom apartments, 2 no. 3 bedroom apartments and 30 no. 1 bedroom apartments), (iii) change of external finish from brickwork to stone and plaster, (iv) change of window sizes, (v) incorporation of a childcare facility / crèche at ground floor level, (vi) incorporation of 1 no. retail unit at ground floor level, (vii) provision of balconies / private open space to 52 no. apartments (on north, south, east and west elevations) and provision of 'winter gardens' to 5 no. apartments (nos. 50, 37, 24, 113 on south elevation), (viii) incorporation of vehicular access to accommodate access for emergency vehicles, (ix) inclusion of plaza at ground floor level (x) increase in size and change of layout to basement car park / bicycle store comprising of an increase from 135 no. car parking spaces to 172 no. spaces and from 135 no. bicycle spaces to 172 no. spaces (subject site)

6.0 **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicant that three number Section 247 pre-planning meetings took place with Dublin City Council (CCC) on the 28th July 2020; the 2nd April 2021 and 16th June 2021. Also correspondence by E-mail 09/04/21 and by Telephone 23/06/21 The minutes of the meetings are attached to the file.

7.0 Submissions Received

Irish Water (report dated 22nd December 2021)

Irish Water has confirmed that a Confirmation of Feasibility has been issued to the applicant advising that connection(s) are feasible without infrastructure upgrades. Third party agreements required.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia,

- Architects Planning Report and Visual Impact Assessment
- Letter from solicitor re: right of way through adjoining car park
- Part V letter and Report
- A3 Booklet of Architectural drawings
- Design Report and Visual Impact Assessment
- Housing Quality Assessment
- Operational Waste Management Plan

- Engineering Services Report (including letter from Irish Water Confirmation of Feasibility)
- DMURS Statement of Consistency
- Traffic and Transport Report
- Flood Risk Assessment
- Waste Management Plan
- Mobility Management Plan
- Outline Construction Management Plan
- Ground Investigation, Ground Excavation Waste Classification Report, Basement Impact Assessment
- Engineering drawings
- Art 299B Report
- EIA Screening Report
- Statement of Material Contravention
- Policy Framework and Statement of Consistency
- Social Audit Report
- Archaeological and Architectural Heritage Impact Assessment
- Bat survey and Assessment of Associated Buildings
- Appropriate Assessment Screening
- Sunlight, Daylight and Shadow Assessment
- Energy and Sustainability Statement
- Car Charging Strategy
- Public Lighting Report
- Landscaping Drawings

- Landscape Rationale

I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 Planning Authority Submission

- 10.1.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted copies of their section 247 consultation with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 25th January 2022.
- 10.1.2. The Planning Authority has identified a number of considerations which may have a bearing on the Board's decision as to whether the proposal constitutes a reasonable basis for an application. Their report is summarised as follows:
- Residential development is welcome in principle and consistent with the land-use zoning objectives for the site.
 - Established front building line onto Fairview Strand should be retained.
 - Impact Upon Jewish Cemetery and Gate Lodge
 - Concern as to what might happen to some of the non residential ground floor units in Block A and Block B
 - Height acceptable steps down appropriately.
 - Overlooking – existing Fairview Close apartments
 - Separation Distances
 - Conservation Issues for 61 – 63 Fairview Strand and Impact on Jewish Cemetery.
 - Block B single aspect north facing units
 - Quantum and location POS and COP to be set out separately.
 - Width of footpaths and pedestrian access laneways.
 - Justification for non provision of Childcare Facility

- Consultation with DAA and IAA
- Inconsistency in infrastructure drawings, Flood Risk Management to be further developed.
- CEMP
- Building life cycle report

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

A Section 5 Consultation meeting took place via Microsoft Teams on the 7th October 2021, commencing at 02.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Visual Amenity,
 - Design,
 - Residential amenity (proposed and existing),
 - Relationship with adjoining lands.
 - Non-Residential uses and facilities.
2. Transportation Issues
3. Heritage, Conservation & Archaeology
4. Parks, Biodiversity & Landscaping
5. Drainage
6. AOB

11.1.1. In respect of visual amenity, design / residential amenity, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration of the proposal in terms of its impact on the adjoining existing Richmond View apartments and the proposals relationship with the adjoining development to the north and east.
- It is recommended that the floorplans of existing adjoining apartments are shown in conjunction with the scheme's floorplans in order to more fully assess potential mutual impacts between existing and proposed
- Further cross sections, up close CGI's and photomontages are required from the immediate surrounding area.
- There is a requirement to carry out a Daylight and Sunlight Assessment as part of any future application. The assessment should set out where the proposal complies with relevant BS or BRE standards and any noncompliance or shortfall should be clearly identified, justified and mitigation measures proposed.
- Further assessment of shadow impact to outdoor amenity space within the proposed scheme.
- Further consideration and justification that the proposed development has regard to proximity to boundaries / justification for set back off boundaries, and further justification and assessment of any overlooking and overshadowing impact to adjoining properties and their amenity spaces.
- Further consideration and justification of commercial floor space, given the concerns raised by the PA in their opinion.
- Further consideration that the layout, quantum and design of the open space and communal areas, clear delineation of what is public and what is considered communal or private and compliance with CDP policy for open space provision.

11.1.2. In relation to transportation issues, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Further consideration and justification of:
 - Pedestrian plazas to front of No's 61 and 63 Fairview Strand and between Block A & Block B.
 - New pedestrian link from Esmond Avenue to Fairview Close;
 - Pedestrian route from Fairview Strand to Fairview Close along western side of site;
 - New footpaths along Esmond Avenue within site boundary
- Further consideration and demonstration of deliverability of improved pedestrian linkage, universal access and road upgrades.
- Further consideration of traffic movements; a revised Traffic Assessment; parking ratios and demonstration that overspill issues have been considered.
- Further consideration for a Car Parking Management Strategy; potential for car clubs: provision of EV points; as well as refuse and services access; cycle provision and taking-in-charge arrangements.
- Further elaboration regarding the status of the right of way on the western boundary – who does this benefit?
- There is a need for a CEMP.

11.1.3. In relation to heritage, conservation & archaeology, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further consideration and justification of the proposal in terms of:
 - Conservation of existing historic fabric of No.'s 61 and 63 Fairview Strand
 - The proposed extension and buildings line proposed, impact to the Jewish Cemetery and to No.'s 61 and 63 Fairview Strand.
 - Removal of boundary treatment, historic walls and piers.

- Further justification of the proposal given the concerns raised by the PA and the Conservation Officer with regard to height, bulk and massing and impact on the Protected Structures in the immediate vicinity (i.e. the Jewish Cemetery and gate lodge) and the historic walls and gate pier to the front of No.'s 61 and 63 Fairview Strand.
- Further consideration that there is consistency across all documentation and drawings, this is critical in any future application.

11.1.4. In relation to parks, biodiversity and landscaping, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further justification and consideration of the breakdown of types of open spaces as well as a review of their function/roles and quality;
- Further justification of the proposal in light of biodiversity; and consideration that an updated bat survey is carried out and submitted with any future application.
- Further justification of the landscape proposal to provide a public plaza opening the front of the site to the street, in light of the concerns raised by the Conservation Officer.

11.1.5. In relation to drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- It is noted that DCC's Drainage Division have no major objections to the proposal but have attached recommendations including amongst others: that the flood risk assessment shall be developed further, and clarification re: proposed works on Esmond Avenue and taking-in charge arrangements.
- Clarity that there are no discrepancies across all of the application documentation, engineering services report, flood risk assessment and drainage drawings should all have regard to one another.

- Further meetings should be sought to resolve any outstanding issues.

11.1.6. In regard to other matters, An Bord Pleanála sought further elaboration / discussion / consideration of the following:

- Clarity that there are no discrepancies across all of the application documentation.
- Further meetings should be sought to resolve outstanding issues.
- The documentation should indicate how it complies with national and local policy and guidance and policy. Clearly indicate where it does not, advertise and address any material contravention matters, accordingly, and justify any shortfalls in the proposal with respect to national and local planning policy. This is necessary for the Board to make an informed decision.

12.0 Conclusion and Recommendation

12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing**

development under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 **Recommended Opinion**

13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

13.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**

13.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

13.1.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development (in particular Richmond Gardens, No.'s 61 and 63 Fairview Strand, the Jewish Cemetery and Gate Lodge (Protected Structures)) and the interface along the site boundaries. The statement should be supported by contextual plans and contiguous elevations and sections, CGI's and photomontages.
2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.
3. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartments which exceed the floor area by 10%. In

the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.

4. A Traffic and Transportation Impact Assessment.
5. Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, Tree Protection Plan and Engineering Plans that take account of one another.
6. Justification of layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards, provision of diverse play spaces designed for younger children, teenagers and adults of all abilities, hard and soft landscaping and planting details. Clarity with respect to any agreements in place with the PA in respect of a contribution in lieu of public open space.
7. An up to date Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:
 - (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
 - (ii) A Shadow Impact Assessment of the proposed development on the wider area.
9. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.

10. A response to matters raised within the PA Opinion submitted to ABP on the 25th January 2022, and appended conservation department, transportation department, parks department and drainage department reports.

11. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge.

12. An AA screening report which considers potential impacts on the Qualifying Interests of any Natura 2000 site.

13. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

14. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

15. Site Specific Construction and Demolition Waste Management Plan.

16. Details of public lighting.

13.1.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water)

2. The Minister for Culture, Heritage and the Gaeltacht,
3. The Heritage Council
4. An Taisce — the National Trust for Ireland
5. Dublin City Childcare Committee.

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Fiona Fair
Senior Planning Inspector
31.03.2022