



An
Bord
Pleanála

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

Inspector's Report ABP-312275-21

Strategic Housing Development

Amendments to the previously permitted ABP-305857-21 to include an increase from 252 no. residential units to 313 no. apartments and all associated site works.

Location

St. Edmunds, St. Loman's Road,
Palmerstown, Dublin 20.
(www.stedmundsphase3shd.ie)

Planning Authority

South Dublin County Council

Applicant

Moykerr Limited

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland

Observer(s)

None

Date of Site Inspection

25th March 2022

Inspector

Elaine Power

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site is located approximately 10km west of Dublin City Centre and c. 750m west of Liffey Valley Shopping Centre. The site is irregular in shape and has a stated area of c. 2.72 ha including c. 0.66ha within the ownership of South Dublin County Council. The eastern portion the site is elevated c. 2m above by the public road. There are construction works ongoing on the southern portion of the site and there is existing Traveller Accommodation located within the north-eastern section of the site.
- 2.2. The site is bound to the north and east by Ballydowd Special Care Unit, to the north by Traveller accommodation and open lands within the ownership of the applicant and further north is the N4. To the south the site is bound by St. Loman's Road, to the east by the Fonthill Road / N4 slip road and to the west by the internal access road serving the existing St. Edmunds development. The site is currently surrounded by hoarding on its southern and eastern boundaries and by fencing. The northern boundary comprises a metal fence and the western boundary comprises a palisade fence, vegetation and mature trees. There is an existing construction access to the site from the western boundary from the St. Edmunds development access road.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises a modification to a previously permitted scheme granted on the subject site (Reg. Ref. ABP-305857-19) in 2020 and which is currently under construction. The proposed amendments to the permitted development comprise the following:
- Increase the height of permitted Block 1 by 1 no. storey with an additional 21 no. units, providing a total of 235 no. apartments within Block 1.

- Reconfigure the layout of Block 2 and increase the permitted height by 1 no. storey. The revised block would provide 1 no. additional apartment, to provide a total of 34 no. apartments within Block 2.
- Replace Block 3 (a terrace of 5 no. 2 storey, 3-bed houses) with a new 4-5 storey apartment block comprising 28 no. apartments.
- Replace Block 4 (a 3-storey commercial block comprising creche, gym, retail unit, community room and concierge) with a 2-5 storey block comprising 16 no. apartments, a creche and residential amenity space (gym, co-working space, a multi-use room, kitchenette and reception).

3.2. The proposed modification would increase from the permitted number of units from 252 no. (247 apartments / duplexes and 5 houses) to 313 no., which is an increase of 61 no. units. The proposed 313 no. units comprise 137 no. 1-beds, 171 no. 2-beds and 5 no. 3-beds. All apartments will have associated private balconies/terraces to the north/south/east/west elevations. The maximum height has increased from 8 storeys to 9 storeys. Permitted parking will be revised to now provide 214 no. car parking spaces (a decrease of 11 no. spaces) and 378 no. bicycle parking spaces (an increase of 70 no. spaces).

3.3. The works also include all associated site services and works to enable the development including bin stores, ESB substations, associated roadworks and services connections, public and communal open spaces, vehicular access, pedestrian/cyclist connections, boundary treatment works and landscaping.

3.4. Key Development Statistics are outlined below:

	Permitted	Proposed
Site Area	2.6 ha gross /2.06 net	2.72 ha gross / 2.06 net
No. of Units	252	313
Unit type	247 apartments / duplexes and 5 houses	313 no. apartments
Unit mix	119 no.1-beds 125 no. 2-beds 8 no. 3-beds	137 no. 1-beds 171 no. 2-beds 5 no. 3-beds

Density	122 uph	152 uph
Height	2 to 8 storeys	2 to 9 storeys
Dual Aspect	52%	53%
Other Uses	Creche (430sqm) Retail (269 sqm) Gym (152sqm) Community Room (231 sqm)	Creche (504 sqm) Residential Amenity Space (447sqm)
Open Space	2,285sqm (public) 1,835 sqm (communal)	2,400sqm (public) 2,135 sqm (communal)
Car Parking	225 no. / 0.9 per unit	214 no. / 0.7 per unit
Bicycle Parking	308 no. / 1.2 per unit	378 no. / 1.2 per unit

3.5. The application included the following:

- Planning Report including Statement of Consistency, Material Contravention Statement and Response to An Bord Pleanála Opinion
- Design Statement
- Daylight, Sunlight and Overshadowing Study
- Housing Quality Assessment
- Ecological Impact Assessment
- Statement of Screening for Appropriate Assessment
- EIA Screening Report and Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(C)
- Traffic Impact Assessment
- Engineering Assessment and Surface Water Drainage Design Report
- Traffic Noise Impact Assessment
- Construction and Demolition Waste Management Plan
- Operational Waste and Recycling Management Plan
- Impacts of Modifications to Approved Development at St. Edmund's upon the local Bat Fauna
- Landscape Rationale

- Response to An Bord Pleanála and South Dublin County Council
- Arboricultural Tree Survey Report
- Arboricultural Impact Assessment and Tree Protection Plan
- Public Lighting Design
- Utilities Report
- Energy Report
- Building Lifecycle Report
- Photomontages and CGI Views

4.0 Planning History

Subject Site

ABP-305857-19 Strategic Housing Development: Permission granted in 2020 for 252 no. residential units (247 no. apartments and 5 no. houses), a creche, a retail unit, a gym, a community room, and concierge.

Overall St. Edmunds Site

PL.06S.213918 / Reg Ref: SD05A/0090 – Permission was granted in 2006 for a mixed-use scheme comprising 577 no. residential units a medical centre, leisure centre, retail unit and crèche on a 8.6 ha site, which incorporated the subject site. An Extension of Duration for 5 years was granted under SE05A/0090/EP.

There are a number of applications for minor amendments to the parent permission (ABP. PL.06S. 213918). The relevant applications are outlined below.

SD08A/0203 – Permission granted in 2008 for 6 no. dwellings

SD09A/0002 –Permission granted in 2009 for a change of use from 97 no. units (housing, duplex and apartments) to 82 no. semi-detached and terraced houses.

SD15A/0012 – Permission granted in 2015 for modifications to residential layout and unit mix, replacing 59 no. houses and 75 no. apartments, with 104 no. semi-detached and terrace houses.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 6th October 2021 in respect of a development for amendments to permitted SHD development ABP305857-19 for a mixed use development comprising 313 no. residential units, a creche and amenity space in 4 no. blocks ranging in height from 2 - 9 storeys. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

1. Height and design strategy, particularly in relation to the reconfiguration and change in mass to blocks 3 and 4;
2. Landscape treatment, including usability of open space and inclusion of surface car parking; and
3. SUDS and surface water run-off.

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 28th October 2021 (ABP-310930) An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application for strategic housing development.

5.3. The opinion also stated that the following 13 no. items of specific information should be submitted with any application for permission.

1. Consideration is required of any matters that have potential to be material contraventions of the Development Plan, with submission of a statement regarding the same if required
2. The technical reports submitted should allow a comparison of impacts between the proposed scheme, and the undeveloped site, and permitted scheme on the site.
3. Landscape drawings clarifying the quantum of public open space proposed and the quality, functionality / usability of the public open space. Any deviation from policy requirements should be highlighted and consideration as to whether a material contravention arises.

4. A plan of landscape proposals clearly delineating communal and private spaces should also be provided, as well as a detailed breakdown of the total area of same. Consideration of how the design of the landscape and provision of furniture/equipment will facilitate use of these spaces for both adults and children is also required. The appearance of surface car parking in the landscape should be considered with increased greening of these areas. Detail of boundary treatment should be provided.
5. Provision of pedestrian links through open space areas should be detailed with consideration of links to public transport. Provision of a pedestrian link through the area of landscape in SDCC ownership, from the street to the area to the north of the site.
6. A plan annotating separation distances between all windows and balconies / terrace areas, to surrounding areas, and between development blocks in the proposal.
7. A Daylight, Sunlight and Overshadowing Assessment is required to demonstrate how the proposed development responds to recommendations in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (the BRE guidelines). The methodology of the BRE guidelines should be followed and clearly stated within the submitted assessment. Analysis of all proposed units on each floor should be provided until it can be demonstrated that all units on a floor meet recommended targets, at which point it can be logically assumed units above will also pass (where a stacked arrangement to room use is proposed). APSH analysis of both the proposed accommodation and existing properties should be provided. Overshadowing analysis of all exterior amenity areas both within the development and in surrounding areas should also be provided. Consideration should include potential impact on the school site. A comparison of impacts to both the undeveloped and permitted conditions on the site should be included, following the BRE methodology in this regard.
8. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable

finishes and details which seek to create a distinct character for the development.

9. Additional details and/or revised proposals in relation to comments from Roads Department at the Planning Authority.
10. Additional details and/or revised proposals in relation to comments from the Environmental Services Department at the Planning Authority.
11. Additional details and/or revised proposals in relation to comments from the Public Realm Department at the Planning Authority.
12. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development.
13. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

1. The Department of Culture, Heritage and the Gaeltacht
2. Irish Water
3. Transport Infrastructure Ireland
4. National Transport Authority
5. South Dublin Childcare Committee

5.5. ***Applicant's Statement***

5.5.1. A statement of response to the Pre-Application Consultation Opinion forms part of the Planning Report (Chapter 6) submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed items 1-13 of the specific information to be submitted with the application. Items of note are outlined below: -

1. Chapter 9 Material Contravention Statement of the Planning Report identifies issues that may be considered a Material Contravention of the Development Plan. The identified material contraventions include building height; residential mix and typology; density; open space; and quantitative apartment standards.

2. Technical reports submitted with the application include comparisons of impacts between the proposed scheme, and the undeveloped site, and permitted scheme, as appropriate.
3. Landscape drawings clarifying the quantum of public open space proposed and the quality, functionality / usability of the public open space have been provided.
4. The Landscape Rationale provides three drawings setting out the treatment of the communal and private open spaces in each of the differing scenarios ensure that the future occupants of these apartments have appropriate levels of privacy. The surface car park to the north of the site has been altered to provide increased trees. This provides improved greening to this area and a more attractive character to this space.
5. The Landscape Rationale provides a plan of linkages through the site. This includes routes through the site, and the extension of the new public footpath to the north in SDCC land ownership for which a letter of consent has been received.
6. A plan annotating separation distances between all windows and balconies / terrace areas, to surrounding areas, and between development blocks in the proposal has been submitted.
7. An assessment of Daylight, Sunlight and Overshadowing for this proposed development has been submitted. This includes a comparison between the undeveloped and permitted development to this current proposal.
8. A Design Statement which includes details of the material finishes to the buildings, landscaped areas and any screening and boundary treatments has been submitted.
9. The submitted Traffic Impact Assessment, Road Safety Review and DMURS statements addresses all of the comments raised by the Roads Department of the Planning Department.
10. A report titled "An Bord Pleanála and South Dublin County Council Written opinion on a proposed strategic housing development" addresses all of the

comments raised by the Environmental Services Department of the Planning Department.

11. A report titled “An Bord Pleanála and South Dublin County Council Written opinion on a proposed strategic housing development” addresses all of the comments raised by the Public Realm Department of the Planning Department.

12. A Housing Quality Assessment has been submitted.

13. An EIA Screening Report was submitted which concludes that an EIAR is not required for the proposed development. A Statement in accordance with article 299B(1)(b)(ii)(II) and 299B(1)(c) is included as an appendix to this EIA Screening Report.

6.0 Relevant Planning Policy

6.1. South Dublin County Development Plan 2016-2022

The site is zoned ‘RES’ – *‘to protect and/or improve residential amenity’* within the South Dublin County Development Plan 2016-2022. Residential use is permitted in principle and childcare facilities are open for consideration

Chapter 2 of the Plan outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. In particular, section 2.2.2 of the development plan sets out that densities should take account of the location of a site, the proposed mix of dwelling types and the availability of public transport services. As a general principle, higher densities should be located within walking distance of town and district centres and high-capacity public transport facilities. Policies H8 Objectives 1 and 2 promote higher densities at appropriate locations. Development Management Standards are included in Chapter 11.

The following policies are of particular relevance.

Core Strategy Objectives CS1 Objective 1: ‘To promote and support high quality infill development’

Core Strategy Objectives CS1 Objective 2: *‘To promote and support the regeneration of underutilised industrial areas in areas designated with Zoning Objective Regeneration ‘REGEN’ (to facilitate enterprise and/or residential led development)’.*

Housing (H) Policy 6 Sustainable Communities: *‘It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities’*

Housing (H) Policy 7 Urban Design in Residential Developments: *‘to ensure new residential development within the County is of high-quality design and complies with Government guidance on design of sustainable residential development’*

Housing (H) Policy 8 Residential Densities: *‘to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context’.*

Housing (H) Policy 9 Residential Building Heights: *‘to support varied building heights across residential and mixed-use areas in South Dublin County’.*

- **H9 – Objective 1:** *‘to encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity’.*
- **H9 Objective 2:** *‘to ensure that higher buildings in established areas respect the surrounding context’.*
- **H9 Objective 3:** *‘to ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (with reference to Section 11.2.7 Building Height of the Plan)’.*

Housing (H) Policy 10 Mix of Dwelling Types: *‘to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022’*

Community Infrastructure (C) Policy 8 – Childcare:

Policy C8 (a): It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.

Policy C8 (b): It is the policy of the Council to require the provision of new childcare facilities in tandem with the delivery of new communities.

Urban Centres (UC) Policy 6 Building Heights: *‘It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County’.*

Policy TM7 – Transport and Mobility – policy of Council to take a balanced approach to provision of car parking with aim of meeting the needs of businesses and communities’ whilst promoting a transition towards more sustainable forms of transportation. Number of supporting objectives (TM7 Obj.1) which seek to carefully consider the number of parking spaces provided to service needs of new development.

Chapter 1 – Core Strategy, Chapter 2 – Housing, Chapter 3 – Community Infrastructure, Chapter 5 – Urban Centres and Retailing, Chapter 6 – Transport and Mobility, Chapter 7 – Infrastructure and Environmental Quality.

6.2. **Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people’s quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the ‘Dublin Metropolitan Area’. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards

set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: 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.
- 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 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 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.

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

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- The Planning System and Flood Risk Management Guidelines, 2008

6.6. **Material Contravention Statement**

- 6.6.1. The applicant Material Contravention Statement is provided in chapter 8 of the submitted Planning Report. The statement provides a justification for the material contravention of the South Dublin County Development Plan 2016 - 2022 in relation to Policy H9: building height, Policy H8 Objective 6: density, Section 11.3.1 (v) separation distances, Section 11.3.1 (i) unit mix, Policy H14 Objective 1 and Section 11.3.1 (iv) unit size, Section 11.3.1 (vi) dual aspect, Policy H13 Objective 1: private open space. The statement is summarised below: -

Policy H9: Building Height

- 6.6.2. Policy H9 Objective 3 aims to ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing. Policy H9 Objective 3 and 4 aim to direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use Zones, Regeneration and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.
- 6.6.3. Section 11.2.7 of the plan further states that new residential development that adjoins existing one and/or two storey housing shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved. Proposals for ‘tall buildings’, that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme. The proposed development provides heights up to 9 storeys and materially contravenes Policy H9.
- 6.6.4. The Building Height Guidelines set out national planning policy on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework (NPF) and Project Ireland 2040. There is now a presumption in favour of increased building height in appropriate urban locations with good public transport services. An Bord Pleanála are required to have regard to the guidelines and apply any specific planning policy requirements (SPPR’s) of the guidelines in carrying out their function. SPPRs, as stated in the Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes. A table is provided within the statement assessing the development against each of the criteria in Sections 3.1 and 3.2 of the Building Height Guidelines.

Policy H8 Objective 6: Density

- 6.6.5. Policy H8 Objective 6 requires that the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG

(2009) relating to Outer Suburban locations apply, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County. The proposed density of 151.9uph exceeds the range of 35-50 units per hectare.

- 6.6.6. The proposed density of the amended scheme is 151.9uph, which is an increase from c.122uph. Considered against Policy H8 Objective 6 in isolation the proposed density could be considered a material contravention. However, Policy H8 Objectives 1 and 2, along with chapter 2 of the Development Plan allow for higher density where a development is close to public transport and town, district or local centres and has the infrastructure to support it. The proposed intensification of residential development on this site also aligns with the Apartment Guidelines and the definition of Central and/or Accessible Urban Location' given its proximity to bus services, Liffey Valley Shopping Centre and Fonthill Retail Park and Industrial estate, which are the main retail and employment centre in the area. This is a site which has already been granted permission for increase in density as it is an acknowledged central and accessible site with excellent access to public transport, employment, retail and social infrastructure. This uplift in unit numbers and density is therefore wholly appropriate.

Section 11.3.1 (v) separation distances:

- 6.6.7. Section 11.3.1 (v) notes that a separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. The distance between the permitted/proposed blocks and the existing building ranges from c. 22m – c. 125m.
- 6.6.8. Although the distance between the permitted and proposed blocks ranges from c.10m – c. 75m, care has been taken during the design to ensure those blocks within 22m of each other are not directly opposing. The windows of Block 2 and 3 which are 10m from each other are not the primary windows for the kitchen/living/dining rooms. In addition, the proposed layout is acceptable in terms of daylight, sunlight and overshadowing.

Section 11.3.1 (i) Unit Mix:

- 6.6.9. Section 11.3.1 (i) states that proposals that include a high proportion of one-bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. The proposed development includes 43.8% one bed units, a slight increase on the 47.2% one bed units in the permitted scheme.
- 6.6.10. The Apartment Guidelines incorporate the principles of the NPF, in particular a move away from rigid application of blanket planning standards in favour of performance standards to ensure well-designed outcomes. SPPR 1 of the Guidelines relates to housing mix and states housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. The proposed amended scheme with 43.8% one bed units (an increase on the 47.2% one bed units in the permitted scheme) is considered an appropriate unit mix and will add to the housing stock in the area.

Policy H14 Objective 1 and Section 11.3.1 (iv) unit size:

- 6.6.11. Section 11.3.1 (iv) requires that all apartments must accord with or exceed the open space and floor area standards set out in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015) and the minimum floor areas set out in Table 11.21. Policy H14 Objective 1 aims to ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.

- 6.6.12. These 2015 Guidelines have been superseded by the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DHLGH, (2020), which include different standards.
- 6.6.13. Appendix 1 of Apartment Guidelines (2020) sets out the 'Required Minimum Floor Areas and Standards'. The proposed units are all in accordance with the Apartment Guidelines

Section 11.3.1 (vi) Dual Aspect

- 6.6.14. Section 11.3.1 (vi) requires that dual aspect ratios in apartment schemes be provided in accordance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015). These 2015 Guidelines have been superseded by the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DHLGH, (2020), which include different standards.
- 6.6.15. The subject site is considered an Accessible Urban Location under the Apartment Guidelines. SPPR4 of these guidelines notes that a minimum of 33% of dual aspect units will be required in more central and accessible urban locations. The proposed development provides 53% dual aspect units which is in accordance with the Apartment Guidelines.

Policy H13 Objective 1: Private Open Space

- 6.6.16. Policy H13 Objective 1 aims to ensure that all private open spaces for apartments and duplexes including balconies, patios and roof gardens are designed in accordance with the qualitative and quantitative standards (including minimum balcony size and depth) set out under Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide, DEHLG (2009).”
- 6.6.17. These 2015 Guidelines have been superseded by the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DHLGH, (2020), which include different standards.

- 6.6.18. Appendix 1 Apartment Guidelines (2020) sets out the ‘Required Minimum Floor Areas and Standards’ which includes minimum floor areas for private amenity space. All units, both proposed and permitted, are in accordance with the Guidelines.

Conclusion

- 6.6.19. The strategic location of the site close to Liffey Valley which is a zoned “Major Retail Centre” is noted. Furthermore, the site is located close to the high frequency bus route along the N4 to the north. It is evident that the site is an appropriate location for higher density and taller development to reflect the proximity to the local urban centre, public transport, and also in terms of urban design and providing for improved urban legibility, placemaking and visual diversity in the area.

7.0 Third Party Submissions

No third-party submissions were received.

8.0 Planning Authority Submission

- 8.1. The Chief Executive’s Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 18th February 2022. The report includes a summary of the proposed development, planning discussions, site context, prescribed bodies, planning history and relevant policy. A summary of the views of the elected members of the Lucan, Palmerstown and North Clondalkin Committee, meeting held on the 25th January 2022. The main concerns, of the elected members related to traffic, mix of uses, financial bond, height, scale, site boundary, impact on amenities of adjacent sites and public realm improvements. Reports from Water Services, Roads Department, Public Realm Section and Housing Department have also been provided.
- 8.2. The key planning considerations of the Chief Executive’s report are summarised below.

Principle of Development: The proposed residential use on the site is ‘Permitted in Principle’ under the ‘RES’: zoning objectives. Childcare facilities are ‘Open for Consideration’.

There is an objective on the north-eastern corner boundary of the site '*To provide for Traveller Accommodation*'. There is unauthorised traveller accommodation in the north-east corner of the site. This would be removed as part of the permitted development. There is an extant Part 8 permission for permanent traveller accommodation on the adjoining land to the north, which are within the ownership of the applicant. It is therefore considered that this objective is addressed.

Material Contravention: The Planning Authority considers that the proposed development materially contravenes the building height provisions of the County Development Plan. The Planning Authority notes that where reference in the County Development Plan is made to the 2015 Apartment Guidelines, the 2020 Apartment Guidelines have been adopted and supersede this. As this is yet to be updated in the County Development Plan, the Planning Authority agrees that compliance with the 2020 Apartment Guidelines means that there is a conflict with the County Development Plan. The Planning Authority does not however consider this to be a material contravention in this instance.

Unit Mix and Type: Policy H10 of the development plan relates to providing a wide variety of adaptable housing types, sizes and tenures in accordance with the Housing Strategy. Section 11.3.1 requires that proposals that include more than 10% 1 beds, such as this one, to demonstrate the need for such accommodation. It is considered that the number of 3 bed units should be increased to cater for larger families who wish to reside within this established residential area close to high quality, high frequency public transport links and to services and facilities. The reduction in an already low number of 3 bed units raises concerns with regard to the lifetime adaptability of the scheme and ability to provide for a greater mix of housing type, and expand the level of choice available to residents.

Part V: It is proposed to provide a total of 25 units, this offer is based on the previous proposal and will need to be reviewed to reflect the increase in the total number of units on the site. It would be the preference of the Housing Department that a revised proposal is submitted to reflect a unit mix & and to include a specially adapted unit, suitable for persons with medical needs. The Part V percentage liability is dependent on the date the applicant purchased the subject site and the applicant is requested to provide proof of same to the Housing Department.

Tenure: It is not clear from the documentation submitted what the tenure of the units would be. It is noted that the applicant has assessed the units against the Build-To-Sell requirements of the 2020 Apartment Guidelines. Whatever tenure the units would be, it should be ensured that they comply with the relevant provisions.

Density: The proposed residential density is 151.9 units/ha, an increase from the permitted 122 units/ha. Having regard to the provisions of the Apartment Guidelines and the sites proximity to public transport, the increase in residential density is considered acceptable.

Building Height: The subject site is not identified for tall buildings exceeding five storeys in an approved plan (as per Policy H9 Objective 4 and Policy UC6 Objective 3). Blocks 1 and 2 would exceed 5 storeys. This is considered to be a material contravention.

The Planning Authority welcomes the restriction of height of Block 4 to 2 storeys close to the northern boundary. The 5 storey element of this building would be setback approx. 12.3m from the existing building to the north. Windows along the northern elevation are also noted as being mostly avoided.

Block 3 has been increased in height from the permitted 2 storeys to 4 to 5 storeys. This building would be approx. 32 m from the permitted Part 8 housing scheme to the north. It is considered that the provision of increased height above 2 storeys within 35m of the permitted 2 storey dwellings is contrary to Section 11.2.7 of the development plan. However, it is acknowledged that this may be viewed as a blanket height restriction that runs contrary to the Urban Development and Building Height Guidelines, specifically SPPR 1. The Planning Authority note that permission is permitted for a similar height on the site under SHD and An Bord Pleanála accepted the justification in terms of the Building Height Guidelines.

Layout and Urban Form: The layout of the development is largely the same to the permitted layout with the most distinct amendments in the north-east corner. The relocation of car parking from around the perimeter of the central public open space is welcomed. The amendments to the north-east corner of the site have resulted in a number of surface car parking spaces in this area. Consideration should be given to relocating some surface car parking to undercroft via condition.

Daylight and Sunlight: The increase in bulk and height of Block 4 results in an increase in overshadowing of the northern neighbouring buildings. However, a limited number of windows are along the elevation of the neighbouring building facing the site. It is also noted that Block 4 is restricted to 2 storeys nearest to this boundary.

A total of 53% of the proposed apartments would be dual aspect. This is a slight increase to the dual aspect ratio of the permitted development. Given the location and nature of the site the proposed dual aspect ratio is considered acceptable. 2 no. single aspect units would be north facing. These units are in Block 1, Unit 4 in Core 1 and Unit 36 of Core 2. It is recommended that the single aspect north-facing units in Block 1 are omitted, and the internal layout amended accordingly.

Permeability and Access: Connectivity eastwards to existing, permitted, and proposed public transport links is considered important to justify the increase in density and height. It is therefore considered that this should be addressed by way of condition

Streetscapes: Contrary to the previous scheme, no street trees have been provided along the route leading to Blocks 2 and 3. This should be addressed via condition.

Standard of Accommodation: In terms of the standard of accommodation the proposed development appears to be generally consistent with the standards of the Quality Housing for Sustainable Development, Apartment Guidelines and County Development Plan.

The proposed separation distances in their current design are considered to conflict with Section 11.3.1(v) of the County Development Plan. The separation distances between Blocks 1 and 2 and Blocks 2 and 3 would be less than 22 m. The separation distance between Blocks 2 and 3 would be the shortest at 10 m. The applicant states that this is acceptable as the windows are considered secondary views from kitchen/living/dining rooms. The Planning Authority does not agree with this rationale. It is considered that the proposal should be revised via condition to address this.

Private and Communal Open Space: Consideration is required to the provision of defensible space where units and private open space adjoin public areas. This includes the apartments at first floor level opening onto the communal courtyards at Block 1.

An area of approx. 175sq.m of open space to the south of Block 2 is shown as communal open space for Blocks 1 and 2. This space is along public pedestrian access through the site and appears to be incidental to the layout of the proposal. Given the location and treatment of this space it is not considered to contribute to communal open space.

Block 4 would have an approx. 140sq.m roof terrace at second floor level. A solid 1.8m high balustrade/screen would be provided along the north of this roof terrace to mitigate overlooking into the neighbouring care unit lands. This is welcomed by the Planning Authority.

Materials and Finishes: The proposed choice of materials and finishes is consistent with what was proposed as part of the permitted scheme. They also match or complement to the materials used on the adjoining phases of the wider St. Edmund's residential development.

Visual Amenity: The revised proposal would increase the built form along the eastern boundary, this would be visible from the public domain. Blocks 1, 2 and 3 would be the most visible blocks from the public domain, along the southern and eastern boundaries. Given the location of Block 3, adjacent to the slip road off R113, it would be less visible than Blocks 1 and 2. The addition of this apartment block along this elevation is therefore acceptable. The bulk of Blocks 3 and 4 are sufficiently setback from the northern boundary.

Public Open Space and Public Realm: The layout of the public open space would remain largely the same to the permitted scheme. There would be the omission of some car parking spaces and improved landscaping and layout to car parking area to north. Concerns are raised that the public open space includes areas that cannot be considered as public open space and concerns regarding the accessibility in relation to universal accessibility and maintenance, and the layout of play equipment.

It is advised that the design of the 4,400sq.m of open space to the east, in ownership of SDCC, be agreed with the planning authority. The current proposal is not acceptable due to accessibility and design.

Retail: It is considered that the development would benefit from a small retail unit for basic day to day needs. This should be addressed by way of condition in the event of a grant of permission.

Creche: No objection the capacity or location of the childcare facility.

Residential Facilities / Amenity: The additional quantity and types of spaces are welcomed. However, it appears that the lift and stair core, circulation space, have been included in the calculation for residential amenity space. This space should not be included in the calculation for residential amenity space.

Roads, Access and Parking: The level of car parking is considered acceptable. The increase in bicycle parking is welcomed.

Services and Drainage: It is noted that there are discrepancies between the engineering and landscape drawings. Concerns regarding the location of the attenuation tank under the area of public open space as trees cannot be planted. A condition should be attached to any grant of permission that SuDS account for all above ground attenuation in the calculations and reduce the need for underground storage.

Environmental Health: An updated Traffic Noise Impact Assessment has been submitted. This lists a number of mitigation measures which are noted as similar to those proposed in the permitted development. It is considered that the previously recommended conditions on the permitted scheme should be included in the event of a grant of permission.

Waste Management: A Construction and Demolition Waste Management Plan and Operational Waste and Recycling Management Plan has been submitted. Conditions in line with what was recommended for the permitted development are recommended in the event of a grant of permission.

Aviation Safety: The Irish Aviation Authority has not provided a report on this application. An observation from the IAA was received on the permitted development. The appropriate condition should be included in the event of a grant of permission.

Conclusion: Having regard to national and regional guidance in relation to urban consolidation, and also noting the location of the site and the extent of changes from permitted development on the site, the Planning Authority recommends that the development can be granted permission, subject to 36 no. conditions.

9.0 Prescribed Bodies

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

1. The Department of Culture, Heritage and the Gaeltacht
2. Irish Water
3. Transport Infrastructure Ireland
4. National Transport Authority
5. South Dublin Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 9th February 2022. A summary of the comments received are summarised below:

Irish Water

In respect of Water records indicate that existing Irish Water infrastructure is present on the site. The applicant has engaged with Irish Water in relation to a proposed diversion of existing infrastructure (DIV21256) which shall also be provided with a wayleave to the benefit of Irish Water to ensure that it is accessible for maintenance. This assessment is currently ongoing, and the applicant is required to continue to engage with Irish Water Diversions.

In respect of Wastewater the proposed connections to the Irish Water network are via infrastructure that has not been taken in charge by Irish Water (Third Party Infrastructure). The applicant is required to Identify and procure transfer to Irish Water of the arterial water and wastewater Infrastructure within the third-party Infrastructure and demonstrate that the arterial infrastructure is in compliance with requirements of

Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for additional load from the Development

Transport Infrastructure Ireland: The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport Assessment. The developer should be advised that any additional works required as a result of the assessment should be funded by the developer.

No submission from The Department of Culture, Heritage and the Gaeltacht, National Transport Authority or South Dublin Childcare Committee were received.

10.0 **Assessment**

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executives report and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Quantum of Development
- Design Approach
- Height
- Open Space
- Residential Amenity
- Transportation
- Water Services and Flood Risk
- Part V
- Material Contravention

10.2. ***Principle of Development***

- 10.2.1. Permission granted in 2020 for the construction of 252 no. residential units comprising 247 no. apartments in 3 no. blocks and 5 no. houses and a creche with associated facilities on the subject site. The proposed development is for amendments to this scheme to provide 313 no. apartments and a childcare facility with associated facilities in 4 no. Blocks. Construction is currently underway on Block 1 at the site's southern boundary with St. Loman's Road.
- 10.2.2. The subject site is zoned 'RES' with the associated land use objective to protect and / or improve residential amenity. The proposed residential use is permitted in principle' under this zoning objective and a childcare facility is open for consideration. Therefore, the principle of the proposed development is considered in accordance with the zoning objective for the site.
- 10.2.3. There is also an objective on the north-eastern portion of the site '*To provide for Traveller Accommodation*'. There is an existing traveller accommodation in the north-east corner of the site which both the planning authority and the applicant state is unauthorised. It is proposed that this accommodation would be removed as part of the permitted development. Both the planning authority and the applicant note that there is an extant Part 8 planning permission for permanent traveller accommodation on land located to the north of the subject site, which is also within the ownership of the applicant. No details of this planning permission, including the timeframe for the development, have been submitted. Notwithstanding this, it is noted that no submissions have been received from third parties regarding the removal of existing accommodation and the planning authority raised no objection to the relocation of the existing (unauthorised) traveller accommodation. It is also noted that permission was previously approved (ABP-305857-19) for the accommodation to be removed. It is, therefore, considered that the proposed development is in accordance with this objective.

10.3. ***Quantum of Development***

- 10.3.1. The proposed scheme has a density of 152 units per hectare. This is an increase from the previously approved scheme which had a density of 122 units per hectare. Housing Policy 8 Residential Density states that it is policy of the council to promote

higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context. However, Policy H8 Objective 6 requires that the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations apply, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N). The proposed density, therefore, exceeds the range of 35-50 units per hectare.

10.3.2. The applicants Material Contravention Statement submitted as part of the Planning Report considered the proposed density to be a material contravention of Policy H8 Objective 6 of the Development Plan to provide a density of 35 – 50 units per hectare on the site in accordance with the Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations. The issue of a material contravention of Policy H8 Objective 6 is addressed and justified below in Section 10.11 Material Contravention

10.3.3. The subject site is located c.750m west of the Liffey Valley Shopping Centre and c. 250m west of a number of commercial units including Liffey Valley Motor Mall, a creche, restaurants, a public house, gym and the Clayton Hotel, and c. 650km from the Fonthill Industrial Estate all of which provide a wide range of shopping facilities, supermarkets, restaurants, banks, leisure facilities, and other services. The Hermitage Hospital is located c. 700m north of the subject site, on the opposite side of the N4. This site is also located in an area well served by public transport. It is noted that the site is located within 500m of 2 no. bus stops on the N4. These stops are located on the C-Spine which is part of Phase 2 of Bus Connects Network. This route is served by C1 /C2 Adamstown to Sandymount which operates every 5 min in the peak, C3 / C4 Maynooth to Ringsend every 30 min and the 52 Leixlip (Intel) to Ringsend every hour. It also served by 8 no. peak only routes (P29, X25, X26, X27, X28, X30, X31 and X32), 6 no. local routes (L51, L52, L53, L54, L58 and L59) and 2 night-time routes (C5 and C6). In addition, the site is located c. 600m from a bus terminus at Liffey Valley which is served by the 40 which provides connectivity to Finglas via the city centre and the 26 which provides connectivity to Merrion Square. Both these routes operate every 10 min in the peak. The 76/A is an orbital route providing connectivity

between Tallaght and Blanchardstown via Liffey Valley. This route operates every 20 min in the peak. Full details of each bus route and stop are available on www.dublinbus.ie and www.transportforireland.ie. Each bus has a capacity of 125 no. passengers. Therefore, it is my view that the subject site is located within close proximity to a high capacity and high frequency public transport. Having regard to the above it is my opinion that the proposed development is in accordance with Policy H8 to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

- 10.3.4. It is acknowledged that the proposed density is significantly higher than the 35 – 50 units per ha prescribed in the Development Plan. However, it is my view that the proposed scheme should be viewed in the context of the surrounding area which has experienced a transition from a low density, two storey suburban area to a more urban area, with a mix of different types of units with varying heights and densities, including the previous grant of permission on the subject site and the apartment developments at the adjacent St. Edmunds development.
- 10.3.5. Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. As outlined above, having regard to the characteristics of this site, it is my opinion that the proposed increased scale of the proposed development complies with national and regional guidance and, therefore, is suitable for higher density.

10.3.6. In conclusion, it is my view that the proposed density is appropriate in this instance having regard to national and regional policy, the relatively recent permissions in the vicinity of the site, the area's changing context, and proximity to public transport, centres of employment at Liffey Valley, Fonthill Industrial Estate and the Hermitage Hospital and to a range of services and amenities in the wider area. It is also noted that the planning authority consider the increase in residential density to be acceptable.

10.4. ***Design Approach***

10.4.1. The scheme has a contemporary design approach which is reflective of the existing St. Edmunds development. The documentation submitted states that St Edmunds currently consists of 413 no. residential units made up of 279 no. apartments and 134 no. houses and includes heights of up to 6-storeys. The subject site represents Phase 3, which is the final stage of the overall St Edmunds development.

10.4.2. The previously approved scheme on the subject site consisted of four blocks (1-4) arranged around an area of public open space. The proposed amendment results in a similar layout with an increase in height across all blocks and slightly reconfigured layout with the replacement of the terraced houses with an apartment block. The proposed amendments are outlined below.

Block 1 is a perimeter block with a direct frontage onto St Loman's Road and the Fonthill Road. Construction is underway on Block 1. The previously approved block ranged in height from 2 to 8 storeys (26.3m). It accommodated 214 no. units over a podium level car park. The amendments to Block 1 consist of increasing the height of elements of the block by 1 no. storey. The revised block would accommodate 235 no. units. Ground floor units on the southern, eastern and western elevation are provided with own door access and private garden areas.

Block 2 is located along the eastern boundary with the Fonthill Road / N4 slip. Permission was previously granted for a 5- storey (16.2m) block accommodating 33 no. units. **Block 3** is located in the north-eastern portion of the site and comprised a terrace of 5 no. 2-storey (8.7m) houses. The proposed amendments omit Blocks 2 and 3 and replaces them with a new Block 2/3. This new block is generally located in the same position as the previously permitted Block 2. It consists of 2 no. buildings

(Block 2 & Block 3) which are connected at ground floor level. Block 2 is 6-storeys in height and accommodates 34 no units. Block 3 is 5-storeys in height and accommodates 28 no. units. Roof gardens are proposed for both Blocks 2 and 3.

Block 4 was a commercial block located in the north-eastern portion of the site. It was 3-storeys in height and contained a shop, creche, gym, community room, small concierge office and a roof top garden. It is proposed to replace Block 4 with a 2-5 storey block comprising 16 no. apartments, a creche and residential amenity space. The creche is entirely at ground floor level. It is an L-shaped unit that fronts onto the public open space with access and drop off from the west. The communal rooms have been modified over two floors with a concierge / parcel drop and gym at ground floor level and lounge and co-working rooms at first floor level. The revised block is 5-storey in height.

- 10.4.3. The proposed modification would increase the permitted number of units from 252 no. (247 no. apartments / duplexes and 5 no. houses) to 313 no. units which is an increase of 61 no. units. The proposed 313 no. units comprise 137 no. (43.8%) 1-beds, 171 no. (54.6%) 2-beds and 5 no. (1.6%) 3-beds. The development plan does not set out standards for housing mix. However, Housing (H) Policy 10 Mix of Dwelling Types: aims to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County. In addition, Section 11.3.1(i) of the plan states that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. It further states that proposals that include a high proportion of 1-bed dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. The applicants addressed the issue of mix in the material contravention statement and considers that the proposed scheme is in accordance with SPPR 1 of the Apartment Guidelines which states that developments may include up to 50% 1-bed units. It is my opinion that the mix is not a material contravention of the plan and would be in accordance with the provisions of Section 11.3.1(i) to provide for a balanced range of dwelling types and sizes. It is also noted that the recommended unit mix does not relate to a policy of the plan. Furthermore, the planning authority raised no concerns regarding a material contravention of the unit mix.

- 10.4.4. The planning authority do, however, note the provision of Policy H10 to provide a wide variety of adaptable housing types, sizes and tenures in accordance with the Housing Strategy and they consider that the number of 3-bed units should be increased to cater for larger families who wish to reside within this established residential area close to high quality, high frequency public transport links and to services and facilities. The reduction in an already low number of 3 bed units raises concerns with regard to the lifetime adaptability of the scheme and ability to provide for a greater mix of housing type and expand the level of choice available to residents.
- 10.4.5. Chapter 7 of the Statement of Consistency in the submitted Planning Report (page 80) notes that these unit types are not currently available within the local area and it is considered that due to the significant quantum of traditional housing stock within Lucan-Esker Electoral Division and the need to accommodate higher densities, a scheme providing for a mix of apartment typologies would contribute to the overall residential mix within the wider area and facilitate a range of household sizes. I agree with the applicant and that the mix would provide greater choice in the area, which is dominated low density 2-storey suburban housing. I have no objection to the proposed unit mix and consider it appropriate in this instance.
- 10.4.6. Policy H14 Objective 1 aims to ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency. Table 11.21 of the plan sets out the minimum floor areas for units which is reflective of the 2015 Apartment Guidelines, in this regard 45sqm for a 1-bed unit, 73sqm for a 2-bed unit and 90sqm for a 3-bed unit. As the referenced 2015 Apartment Guidelines were superseded by the 2020 Apartment Guidelines the applicant addressed the issue of unit size in the material contravention statement. It is noted that the 2020 Guidelines include a standard of 63sqm for a 2-

bed (3-person) unit. However, as all proposed units are all in accordance with both the 2015 and 2020 Apartment Guidelines it is my opinion that there is no material contravention of the development plan with regard to unit size. The Planning Authority acknowledge that compliance with the 2020 Apartment Guidelines means that there is a conflict with the development plan, however, this is not considered to be a material contravention in this instance.

- 10.4.7. SPPR4 of the Apartment Guidelines recommends that a minimum of 50% of units be dual aspect in suburban or intermediate locations. In total, 166 no. apartments are dual aspect (c. 53%) while the remaining 147 no. are single aspect (c. 47%), which is in excess of the recommended target. Of the single aspect units 2 no. are north facing. These north facing apartments are located in Block 1 and overlook the central area of public open space. To compensate for the orientation, these units are large in size with a total floor area of 52.6sqm in floor area and have 8sqm balconies. Section 11.3.1 (vi) requires that dual aspect ratios in apartment schemes be provided in accordance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015). These 2015 Guidelines have been superseded by the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DHLGH, (2020). As the development plan referenced the 2015 Apartment Guidelines the applicant addressed the issue of dual aspect in the material contravention statement. However, as all proposed units are all in accordance with both the 2015 and 2020 Apartment Guidelines it is my opinion that there is no material contravention of the development plan with regard to dual aspect. The Planning Authority acknowledge that compliance with the 2020 Apartment Guidelines means that there is a conflict with the development plan, however, this is not considered to be a material contravention in this instance.
- 10.4.8. In addition, the ratio of units per core varies from 4 no. units in Block 4 to 8 no. units in Block 1. Therefore, the layout is in accordance with SPPR6 of the Apartment Guidelines, which allows for a maximum of 12 no. units per core.
- 10.4.9. Due to the design of the Blocks, the majority of the proposed units front onto areas of open space with significant separation distances of up to 75m provided in some instances. However, there are some pinch points with a minimum separation distance of c. 11m between Blocks 1 and 2 and c. 10m and between the first to 3rd floor levels

of Block 2 -3. Separation distances should be balanced with high quality urban design and placemaking considerations and in my view the reduced distances between some of the blocks provide a sense of enclosure and arrival between spaces. It is noted that the layout of the apartments has generally been designed to ensure that there are no windows directly opposing each other. However, I have concerns regarding the potential for undue overlooking between windows on the northern elevation of Block 2 and the southern elevation of Block 3. It is acknowledged that these are secondary windows serving these units, however having regard to the potential for undue overlooking it is recommended that a condition be attached to any grant of permission that the windows be staggered to ensure they are not directly opposing. In this regard it is recommended that the window serving units 12, 18 and 24 in Block 3 be relocated c. 1m west and the windows serving units 11, 17 and 23 in Block 3 be relocated c. 1m east. It is also recommended that a condition be attached to any grant of permission that the southern elevation of the communal open space at the roof top level (fourth floor level) be appropriately screened with obscure glazing or planting a minimum of 1.8m in height to prevent undue overlooking of units 26 and 27 in Block 2.

10.4.10. The applicant's material contravention statement notes that Section 11.3.1 (v) of the development plan states that a separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. While 22m separation distance have not been provided in all instances it is noted that the plan also states that reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy. It is my opinion that subject to the recommended condition above to reposition a limited number of windows that the proposed design and layout prevents undue overlooking and, therefore, the proposed separation distances are not a material contravention of the plan. It is also noted that this recommended target is not a policy of the plan.

10.4.11. The buildings will be predominantly finished in brick with elements of metal detailing and glass balustrades. The internal courtyard areas in Block 1 will be finished in render to create contrast and to improve daylighting. The use of high-quality materials such as brick is welcomed. However, I have concerns regarding the proposed use of significant portions of render which in my opinion is not a durable material, especially

on the taller elements of the scheme (Block 1). However, it is noted that these are the same finishes that were approved in the previous application and that Block 1 is already under construction. However, it is recommended that a condition be attached that no render be provided in Blocks 2, 3 or 4. It is my view that a variety of brick would provide a suitable and high-quality contrast within the scheme.

10.4.12. Block 4 includes 447sqm of internal residential amenity space comprising a reception area, parcel room and gym at ground floor level and a kitchenette / lounge, ci-working / resident lounge, multi-use room and staff welfare room at first floor level. The provision of internal residential amenity space is welcomed, and it is noted that this is not a Building to Rent scheme. Block 4 also includes a 504sqm creche at the ground floor of Block 4 with capacity for 78 no. children. Having regard to the proposed unit mix is it my opinion that the proposed creche is sufficient to accommodate the demand generated by the proposed scheme. It is also considered that the location of the creche and internal residential amenity spaces adjacent to the site's western boundary with the internal access road serving St. Edmunds would provide an appropriate active ground floor use and would enliven the streetscape. I am satisfied that an appropriate mix of non-residential uses have been provided within the scheme, in particular having regard to the site's proximity to Liffey Valley Shopping Centre.

10.4.13. In conclusion, having regard to the underutilised nature of this site, it is my view that the proposed development, subject to conditions outlined above, would result in the creation of a high-quality residential development which complements Phase 1 and 2 of St. Edmund's, with wider benefits such as the delivery of a significant quantum of housing and would support the consolidation of the urban area.

10.5. ***Height***

10.5.1. The proposed amendments result in an increase in height across all blocks and a slightly reconfigured layout with the most significant modification relating to the replacement of the 5 no. terraced houses with an apartment block (Block 3).

10.5.2. It is proposed that some elements of Block 1 would be increased by 1 no. storey. It is noted that permission was previously granted for a building ranging in height from 2 to 8 storeys. It is proposed to retain the 2-storey elements of Block 1 which are located on the northern and southern elevations of the block and there is no proposed change

to the 5 - 6 storey height of the western elevation of the block, which fronts onto St. Edmunds. The increased height generally relates to an increase from 6-storeys to 7 - storeys along the sites northern, southern and eastern and an increase from 8 storeys to 9 storeys in the northeast portion of the building with frontage onto the Fonthill / N4 slip road. The previously approved Block 2 was 5 storeys (16.2m) with a set back and Block 3 comprised 2-storey (8.7m) houses. It is proposed to omit these blocks / houses and provide a new interconnected Block 2/3. Block 2 ranges in height from 4 to 5 storeys. Block 3 ranges in height from 5 to 6 storeys. These blocks are connected at ground floor level only by a single storey element. The previously approved Block 4 ranged in height from 1 to 3-storeys. The revised Block 4 ranges in height from 2-5 storeys. It is noted that the planning authority raised not objection in principle to the proposed height and welcomed the 2-storey set back of Block 4 at the site's northern boundary.

10.5.3. Housing (H) Policy 9 Residential Building Heights aims '*to support varied building heights across residential and mixed-use areas in South Dublin County*'. H9 Objective 3 aims to ensure a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (with reference to Section 11.2.7 Building Height of the Plan) and H9 Objective 4 aims to direct tall buildings that exceed five storeys in height to strategic and landmark locations. The subject site is not identified for tall buildings exceeding five storeys in an approved plan. Therefore, the applicant has addressed the height in the Material Contravention Statement submitted as part of the Planning Report. It is noted that the planning authority also consider the proposed height, in excess of 5-storeys, to be a material contravention. The issue of material contravention is further addressed in Section 10.11 below.

10.5.4. A Landscape and Visual Impact Assessment (LVIA) has not been submitted with the application. However, the Planning Report (page 26) addresses the issue of visual impact. The applicant considers that the increased height of Block 1 is the most significant visual impact from the amendments and is considered to have an overall positive visual impact by creating a stronger feature at the junction of St. Loman's Road and Fonthill Road. It is considered that the increased height of Blocks 2, 3 and 4 would have an imperceptible impact on the character of the area. A booklet of 10

no. photomontages have also been submitted. The submitted views / photomontages provide a comparison of the existing site and the proposed development. I am satisfied that the applicants submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact.

10.5.5. The site is locally elevated at the junction of Fonthill Road and St. Loman's Road, and it is acknowledged that the blocks, in particular Block 1 and 2/3 would be highly visible when viewed directly from the site boundaries. It is also accepted that the proposed height is taller than the existing adjacent buildings, which are a maximum of 6-storeys, and would introduce new features in the skyline. However, I agree with the applicant's assessment that the proposed height would not significantly detract from the visual amenities of this urban area and would not be visually obtrusive. In my opinion the visual impact from short range views, would be generally positive due to the current vacant nature of the site, the high-quality contemporary design of the scheme and the transition in height with lower elements of the buildings located at the site's northern boundary and the significant separation distances proposed. With regard to medium or long-distance view it is my view that the proposed development would have a minimal impact on the visual amenity of the environs. The proposed buildings do not impact or impede any protected views. It is also noted that the planning authority consider the visual impact to be acceptable at this location.

10.5.6. Section 3.2 of the Building Height Guidelines sets out criteria for assessing the scale of the development with regard to the city, street and site level including, proximity to high frequency public transport; integration / enhancement of the character and public realm of the area; response to overall natural and built environment; architectural response; urban design; improved legibility; mix of uses and building typologies. Additional specific assessment may also be required for issues including daylight and sunlight; microclimate; communication. Page 94 of the of the applicant's Planning Report (Statement of Consistency) assessed the proposed development against each of the criteria outlined in the Building Height Guidelines. Having regard to the information outlined above it is my view, that the proposed development would be in compliance with SPPR3, having specific regard to the high-quality design and layout of the scheme, its contribution to the development of a serviced site and the

consolidation of the urban area. The issues of compliance with the Building Height Guidelines are further addressed below in Section 10.11 Material Contravention.

10.5.7. In conclusion, having regard to the location, size and topography of the site and to the high-quality design and layout of the scheme, the previous grant of permission on the site, the changing character of the area with an established transition towards higher density residential development and the criteria set out in the Building Height Guidelines, I am satisfied that the proposed height is not excessive in this instance and that the proposed development represents a reasonable response to its context.

10.6. ***Open Space***

Public Open Space

10.6.1. Section 11.3.1(iii) requires that 10% of the total area be provided as public open space in all new residential development. The proposed scheme incorporates a 2,400sqm area of public open space, which equates to c. 11.6% of the total site area (excluding lands within the ownership of South Dublin County Council). It is noted that the calculation of public open space does not include incidental areas of public open space within the site or along the site's boundaries. Therefore, it is considered that the quantity of open space is in excess of the provisions of the development plan. The proposed public open space is located at the site's northern boundary with Ballydowd Special School and is passively overlooked by Blocks 1, 2 and 4. It would accommodate a kick about area with goal posts provided and incorporates a number of play areas.

10.6.2. Concerns are raised by the planning authority regarding the accessibility in relation to universal accessibility and maintenance of the public open space and the layout of play equipment. The drawings submitted indicate a c. 1m difference in the area of public open space within the scheme. The level differences are a design feature to allow for informal seating areas and the existing site plan indicates that the site is generally flat. Therefore, I have no concerns regarding accessibility to the area of public open space. It is also noted that it is intended that the area of public open space would remain within the ownership of the applicant and would not be taken in charge.

10.6.3. While it is noted that mounds have been provided adjacent to the kick about area it would appear from the information submitted that no benches or formal seating areas

have been provided within the area of public open space to allow for passive recreation. It is recommended that if permission is being contemplated that a condition should be attached that the final details of the seating arrangements within the area of public open space be agreed with the planning authority.

- 10.6.4. It is also policy (Community Infrastructure (c) Policy 3 Arts and Cultural Facilities) *to facilitate the continued development of the arts and culture in the County* and an objective (C3 Objective 1) *seeks to facilitate the provision of arts infrastructure at suitable locations in the County*. Therefore, it is recommended that a condition be attached to any grant of permission that the applicant engage with the planning authority regarding the requirement for an art installation within the subject site.
- 10.6.5. The scheme also incorporates 4,400sqm of public open space at the sites eastern and south-eastern boundary which is within the ownership of South Dublin County Council. This area is currently elevated c. 4m above the public road. It is proposed to retain existing trees and to incorporate additional planting and landscaping in this area. The proposed works also include staggering / terracing to make it more accessible with a east-west pedestrian link from the Fonthill Road and the provision of a new north - south footpath towards the previously approved Part VIII scheme to the north of the site. While the layout of the open space appears similar to the previously permitted scheme, the planning authority raise concerns regarding the modifications. In particular there are concerns regarding accessibility to the open space and the reduction in pedestrian access routes from the Fonthill Road to the site. It is noted that the access points from the Fonthill Road have been reduced from 1 to 2. However, having regard to the steep topography of this embankment, with a c. 4m level difference, it is considered acceptable that only 1 no. access point may be possible. Concerns are also raised regarding machinery access to this area for maintenance purposes. This area is currently an underutilised embankment along a heavily trafficked road. Therefore, the proposed landscaping and increased permeability of the site is welcomed, however, having regard to the concerns raised by the planning authority it is recommended that a condition be attached to any grant of permission that the final details of this area of public open space be agreed with the planning authority.

Communal Open Space

- 10.6.6. Table 11.21 of the development plan sets out communal open space standards, in this regard 5sqm per 1-bed, 7 sqm per 2-bed and 9sqm per 3-bed. These standards are reflective of the standards set out in the Apartment Guidelines. The proposed scheme comprises 137 no. 1-beds, 171 no. 2-beds and 5 no. 3-beds. Therefore, there is a requirement for 1,927sqm of communal open space. The proposed scheme incorporates 2,135sqm of communal open space which is in excess of both the development plan and the Apartment Guidelines standards.
- 10.6.7. Communal open space is provided within each Block. Block 1 includes 1,420sqm of communal open space in 2 no. interconnected areas at podium level. A number of first floor units have direct access onto the podium level. Access for the remaining units is available from all cores within the block. I have no objection to the quantity of communal open space to serve Block 1. It is noted that seating has been provided, and the scheme includes the provision of internal residential amenity spaces, however, having regard to the overall size of this space it is recommended that additional furniture and equipment, in this regard seating areas, children's play spaces, BBQ areas etc should be provided to enhance the amenities provided within the development. It is recommended that this concern could be addressed by way of condition.
- 10.6.8. Block 2 / 3 includes 575sqm of communal open space 3 no. areas of communal open space, 2 no. roof terraces (440sqm) and 1 no. area (175sqm) at ground floor level. The planning authority have raised concerns that the ground floor level (c. 175sqm) of communal open space to the south of Block 2 is incidental to the scheme and having regard to its location in close proximity to the public access route and its treatment it is not considered to contribute to communal open space. The southern boundary of this area of communal open space with the public walkway comprises a 1.2m high railing and the eastern boundary with the public open space in the ownership of SDCC comprises 2.4m high wall with hedge planting on the side of the communal open space. It is my opinion that the proposed boundary treatments provide for appropriate level of privacy of the communal open space while also allowing for passive overlooking of the walkway. I, therefore, have no objection to the treatment of the communal open space and it is noted that the previously permitted scheme also

incorporated an area of communal open space at this location. While I have no objection to the location of the communal open space there is a lack of detail regarding the passive or active recreational amenities / features that would be provided within this area, however, it is considered that this could be addressed by way of condition.

10.6.9. Block 2/3 also incorporates a roof terrace at fourth floor level to the south of Block 3. I have no objection in principle to the provision of a roof terrace at this location, however as noted above in Section 10.4 it is recommended that a condition be attached to any grant of permission that the southern elevation of the communal open space at the roof top level (fourth floor level) of Block 3 be appropriately screened with obscure glazing or planting a minimum of 1.8m in height to prevent undue overlooking of units 26 and 27 in Block 2. I have no objection to the quantity of communal open space proposed to serve Block 2/3.

10.6.10. Block 4 includes a 140sqm roof terrace. The northern elevation of this area incorporates a solid 1.8m high balustrade/screen to prevent undue overlooking of the adjacent site. I have no objection to the quantity of communal open space proposed to serve Block 4 and it is noted that the communal internal residential amenity facilities are also provided in Block 4.

10.6.11. In conclusion, I have no objection in principle to the quantity or quality of the proposed communal open space. In my opinion it is well considered and results in a clear hierarchy of spaces that are well connected to the areas of public open space. The submitted Daylight, Sunlight and Overshadowing Assessment indicates that 87% of the outdoor amenity spaces, would receive at least 2 hours of sunlight, in excess of the BRE recommended target. This indicates that the areas of open space provided within the scheme would receive good quality access to sunlight. I have some concerns regarding the lack of detail of the proposed furniture and equipment to be provided within the areas of open space. However, it is considered this could be addressed by way of condition.

Private Open Space

10.6.12. All units have been provided with a balcony or terrace in accordance with the private open space standards set out in the Apartment Guidelines of 5sqm per 1-bed unit, 7sqm for 2-bed units and 9sqm for 3-bed units.

- 10.6.13. The planning authority raised concerns regarding the lack of defensible space where units and private open space adjoin public areas, including the apartments at first floor level opening onto the communal courtyards at Block 1. It is noted that the first-floor units in Block 1 that front directly onto the communal open space / podium level are provided with a private terrace area. In addition, these units are 2-storey units and have own door access with private garden areas at ground floor level.
- 10.6.14. Private balconies associated with ground floor units throughout the development front onto areas of open space. In my opinion adequate planting has been provided to allow for an appropriate level of screening and privacy for the units. It is also noted that no ground floor units front directly onto the areas of public open space within the northern portion of the site or at the site's eastern boundary.
- 10.6.15. Policy H13 Objective 1 aims to ensure that all private open spaces for apartments and duplexes including balconies, patios and roof gardens are designed in accordance with the qualitative and quantitative standards (including minimum balcony size and depth) set out under Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide, DEHLG (2009). As the referenced 2015 Apartment Guidelines were superseded by the 2020 Apartment Guidelines the applicant addressed the issue of private open space in the material contravention statement. It is noted that both the 2015 and the 2020 Guidelines include a private open space standard of 5sqm per 1-bed unit, 7sqm for 2-bed units and 9sqm for 3-bed units. It is my opinion that there is no material contravention of the development plan with regard to private open space provision. The planning authority acknowledges that compliance with the 2020 Apartment Guidelines means that there is a conflict with the County Development Plan, however, it is not considered to be a material contravention.

Trees

- 10.6.16. An updated tree survey was carried out on the 29th November 2021. There are a total of 96 no. trees within the site which vary in age and species. There is one Category A (excellent) tree located close to the access road at the site's western boundary. This

tree will be retained as part of the development. There are no Category B (good quality) trees. There are 21 no. Category C (poor quality) trees and 74 no. Category U (unsustainable) trees within the site. It is proposed to remove 68 no. trees along the site's western boundary for reasons of sound arboricultural management. It is also proposed to fell 6 no. Category U trees on land within the ownership of South Dublin County Council. However, it is noted that this is subject to the agreement of the council. There are 22 no. trees proposed for retention within or close to the site. I agree with the findings of the arboricultural report that the proposed development would have a low impact on the existing tree population on the site. It is also noted that the scheme includes the provision of 289 no. additional trees which in my opinion would adequately compensate for the loss of existing trees.

10.7. ***Residential Amenity***

External Overlooking and Overbearing Impact

- 10.7.1. As noted above the site comprises 4 no. urban blocks (1 - 4). The blocks range in height from 2 – 9 storeys and vary in scale and massing to respond to the existing adjacent properties, with the taller buildings located at the southern and eastern boundaries away from the sensitive boundaries. To the north and west the subject site is bound by Ballydowd Special Care Unit. Block 4 ranges in height from 2 – 5 storeys. The 2-storey element of the block is located c. 12m from the rear elevation with Ballydowd Special Care Unit and the 5th storey element is located c. 24m from the rear elevation of the existing building. It is noted that there are no windows serving habitable rooms at first to 5th floor level on the northern elevation of Block 4. It is also noted that permission was previously granted for similar separation distances. The second-floor level includes a roof garden / communal open space. I have no objection in principle to the provision of communal open space and it is note that a solid 1.8m high balustrade/screen would be provided along the northern boundary of this roof terrace to mitigate overlooking into the adjacent site.
- 10.7.2. Block 3 is also located a minimum of c. 22.6m from the western boundary with Ballydowd Special Care Unit. Having regard to the separation distances between Block 3 and the existing building it is my opinion that the proposed development would not result in undue overlooking or have an overbearing impact.

- 10.7.3. To the north the site is also bound by land within the ownership of the applicant, that has permission to provide permanent traveller accommodation in accordance with the objective for the land. The proposed layout indicates the location of the approved traveller accommodation. In this regard it is noted that Block 3, which is 5 storeys in height, is located c. 26m from the site's northern boundary and c. 32m from the rear elevation of the approved houses. Having regard to the proposed separation distances the proposed development would not result in undue overlooking or have an overbearing impact on the proposed houses to the north of the subject site. However, it is recommended that a condition be attached to any grant of permission that the 4 no. car parking spaces along the sites northern boundary be omitted by way of condition and that additional trees / planting be provided at the sites northern boundary to improve screening between the sites and enhance the visual amenity for future occupants of both developments.
- 10.7.4. The site is bound to the west by the existing internal access road serving the St. Edmund's development. On the opposite side of the access road is 5-6 storey apartment developments. There is a minimum separation distance of c. 44m between the proposed development and the existing apartments. Having regard to the separation distances between the proposed development and existing buildings it is my opinion that the proposed development would not result in undue overlooking or have an overbearing impact. It is also noted that permission was previously granted for similar separation distances.
- 10.7.5. To the south the site is bound by St. Loman's Road. On the opposite side of the road is a HSE facility. Block 1 is located a minimum of c. 35m from the front elevation of this facility. Having regard to the separation distances it is my opinion that the proposed development would not result in undue overlooking or have an overbearing impact of existing buildings to the south. It is also noted that permission was previously granted for similar separation distances.
- 10.7.6. To the east the site is bound by the Fonthill Road and N4 slip road. On the opposite side of the road there are a number of non-residential uses including the Clayton Hotel, a public house and commercial units. There is a minimum separation distance of c. 84m between the site and the existing buildings. Having regard to the separation distances it is my opinion that the proposed development would not result in undue overlooking

or have an overbearing impact of existing buildings to the east. It is also noted that permission was previously granted for similar separation distances.

- 10.7.7. The planning authority note the separation distance between Block 3 and the permitted Part VIII Traveller Accommodation scheme and considered that it is contrary to Section 11.2.7 of the development plan which requires 35m of the permitted 2 storey dwellings. Section 11.2.7 of the development plan states that new residential development that adjoins existing one and/or two storey housing shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved. The proposed development provides heights up to 9 storeys and materially contravenes Policy H9.
- 10.7.8. The separation distances between the proposed development and the existing St. Edmunds residential development to the west and Shancastle Park Road to the southeast significantly exceed 35m. Block 3 which exceeds 3-storeys would be located c. 33m from the previously approved Part VIII Traveller Accommodation to the north of the site. However, it is noted that these units are not existing. Block 1 which is in excess of 3storeys is located c. 33m from the existing HSE facility to the south. However, this is not a residential use. Blocks 2, 3 and 4 also exceed 3 storeys in height and are a minimum of c. 12m from the existing Ballydowd Special Care Unit to the north and west of the site. While it is acknowledged that this facility contains a residential element it is not in use a permanent accommodation. Therefore, it is my opinion that this is not a material contravention of the development plan. It is also noted that this relates to a recommended standard and not a policy of the plan. While I do not consider the proposed scheme to be a material contravention Section 11.2.7, for completeness and responding to the precautionary approach adopted by the applicant the issue of a material contravention of height and separation distances is addressed and justified below.

Daylight, Sunlight and Overshadowing

- 10.7.9. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and

reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

10.7.10. The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following documents:

- BRE Report "Site Layout Planning for Daylight and Sunlight"; and
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting;
- EN17037:2018 Daylight in Buildings

10.7.11. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

Internal Daylight and Sunlight

10.7.12. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of the structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes

that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

- 10.7.13. The proposed apartment layouts include a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the K/L/D rooms. The applicant has also assessed the development against the alternative 1.5% ADF. The assessment was carried out on all rooms within the ground to 5th floor level of Block 1 and the ground to 4th floor level of Blocks 2, 3 and 4 as these are considered to represent the worst-case scenario. It is my view that this is a reasonable approach.
- 10.7.14. A breakdown for each block indicates that of the 173 no. K/L/D rooms assessed in Block 1 140 or 81% of these rooms achieve the minimum recommended ADF target of 2% for LKD. The report also notes that 167 no. (97%) K/L/D rooms achieve the alternative ADF target of 1.5%. 98% of bedrooms achieved an ADF of 1%. In Blocks 2, 3 and 4 100% of rooms assessed achieve the ADF target 2% for K/L/D rooms and 1% for bedrooms.
- 10.7.15. It indicates that of the 233 no. K/L/D rooms assessed 200 or 86% of these rooms achieve the minimum recommended ADF target of 2% for LKD. The report also notes that 227 no. (97%) K/L/D rooms achieve the alternative ADF target of 1.5%. Full details of the ADF for each room assessed are provided in Appendix A of the report.
- 10.7.16. Overall, the scheme has an 94% compliance with the recommended BRE recommended target of 2% for K/L/D rooms and 1% for bedrooms and a 98% compliance with the alternative recommended target of 1.5% for K/L/D rooms and 1% for bedrooms. It is acknowledged that in a scheme of this nature it is significantly challenging for large open plan living / kitchen / dining rooms to achieve 2% ADF and it is my opinion that an ADF of 1.5% is adequate for the intended living / dining room space, as it indicates that these spaces would enjoy good daylight amenity. I would also note that in such urban schemes there are challenges to meet the alternate 1.5% ADF in all instances, and to do so would unduly compromise the design / streetscape.

The ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant has endeavoured to maximise sunlight/daylight to the apartments and where possible achieve 2% ADF.

- 10.7.17. I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.
- 10.7.18. Section 10.5 of the report outlines compensatory design measures that have been incorporated into the scheme. These include 59% of the units having a floor area of 10% greater than the minimum floor areas required in the Apartment Guidelines, larger windows incorporated into the design, 53% of units are dual aspect, all units have a private balcony which are accessed from the main living area, public and communal open space is provided above the minimum requirements as set out in the development plan and the provision of communal facilities within Block 4.
- 10.7.19. As noted, there are some shortfalls in daylight provision within the scheme for kitchen/living/dining rooms. The full extent of the shortfalls of the 2% ADF can be ascertained from Appendix A of the Daylight, Sunlight and Overshadowing Study. I am satisfied that all of the rooms would receive adequate daylight and having regard to the need to development sites such as these at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I am satisfied that adequate justification for non-compliance exists, and that the design and associated design solutions and alternative target is appropriate.

- 10.7.20. The study also carried out an alternative assessment of daylight availability within the proposed apartments according to European standard EN17037:2018 – Daylight in Buildings. This assessment concluded that 100% of the tested rooms assessed reach the criteria outlined in the European Standard.
- 10.7.21. The BRE Guidelines also recommend that the centre of at least one window to a main living room can achieve 25% of An Annual Probable Sunlight Hours (APSH), including at least 5% in the winter months for relevant windows, in this regard relevant windows are windows orientated 90 degrees of due south. Section 8.3 and Appendix B of the assessment provides details and illustrations the annual and winter APSH assessment. It is noted that the assessment includes windows that are not within 90 degrees of due south and, therefore, the overall results are skewed. Of the 327 no. windows analysed, 148 no. (45%) reach the BRE recommended values over the annual period. The compliance rate increases to 61% (199 no.) during the winter period. The applicants report notes that where windows do not meet this recommendation, it is predominantly as a result of their orientation, in this regard windows facing significantly north of due east or west. From the information submitted it would appear that the windows orientated 90 degrees of due south generally comply with the BRE standards and windows that do not reach the minimum targets are located at the ground floor level. It is also noted that the placement of balconies above the lower levels may impact on access to sunlight for these units. The information and illustrations submitted indicate that units on the applicable main living room windows would achieve good annual and winter APSH and appear reasonably well lit.
- 10.7.22. Having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.
- 10.7.23. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Section

6.2.1 of the applicant's assessment provides details of the sunlight assessment of the public and communal amenity spaces for the proposed development. The information submitted indicates that 87% of the outdoor amenity spaces, would receive at least 2 hours of sunlight, in excess with the BRE recommendations. This indicates that the areas of open space provided within the scheme would receive good quality access to sunlight.

External Daylight, Sunlight and Overshadowing

10.7.24. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.

St. Edmunds (west of the subject site)

10.7.25. The assessment analysed the impact on 38 no. windows in the existing apartment development St. Edmunds located to the west of the site. Of the 38 no. windows assessed 25 no. would achieve a VSC of at least 27%. Of the remaining 13 no. windows the reduction in VSC for 11 no. is less than 0.8 times its former value. 2 no. windows assessed fail to achieve a VSC of greater than 27% and experience more than 20% reduction than their existing VSC value. These windows are located on the ground floor. Both have a VSC of c. 21.1%. This is similar to the impact of the previously approved scheme on the site.

10.7.26. 27 no. main living room windows were also assessed for annual and winter APSH. The assessment indicates that 25 no. relevant windows would achieve the recommended minimum standard of 25% of APSH. The remaining 2 no. windows achieve a minimum APSH of 19.9%. All windows assessed achieve at least 5% in the winter months. It is noted that the 2 no. windows which do not achieve the recommended APSH are the same units that would not achieve a VSC of 27% as outlined above. This is similar to the impact of the previously approved scheme on the site.

10.7.27. While it is acknowledged that the proposed development would impact on the VSC for and APSH for 2 no. units, it is my opinion that this development should be viewed in the wider context of the development of the subject site, the previous grant of permission on the site and the consolidation of the urban area. It is also noted that the Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions the Board should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Therefore, having regard to the wider benefits such as the delivery of housing and the development and of this serviced and urban site, it is my view that the minor impact on 2 no. units considered acceptable. It is also noted that no submission has been received from any third parties.

St. Edmunds (north-west of the subject site)

10.7.28. The assessment analysed the impact on 46 no. existing apartments in St. Edmunds located to the north-west of the site. Of the 46 no. windows assessed 38 no. would achieve a VSC of at least 27%. Of the remaining 8 no. windows the reduction in VSC is greater than 0.8 times its former value. It is considered that the proposed development would have a negligible impact VSC for existing adjacent properties to the north of the site, and, therefore, would not result in undue overshadowing of existing properties.

10.7.29. 34 no. main living room windows were also assessed for annual and winter APSH. All windows assessed met the recommended criterion for annual and winter APSH. It is considered that the rooms would receive adequate sunlight.

Ballydowd Special Care Unit – Residential (north of the subject site)

10.7.30. The assessment indicates that all 21 no. existing windows in Ballydowd Special Care Unit located to the north of the site all assessed would achieve a VSC of at least 27%. Therefore, it is considered that the proposed development would have a negligible impact VSC for existing adjacent property to the north of the site. 17 no. main living room windows were also assessed for annual and winter APSH. All windows assessed met the recommended criterion for annual and winter APSH. It is considered that the rooms would receive adequate sunlight.

Clarion Hotel (east of the subject site)

10.7.31. The assessment analysed the impact on 34 no. existing windows in Clarion Hotel located to the northeast of the site, on the opposite side of the Fonthill Road. Of the 34 no. windows assessed 15 no. would achieve a VSC of at least 27%. It is noted that 13 of these 15 no. windows currently do not achieve a VSC of at least 27%. The reduction in VSC is greater than 0.8 times its former value. It is considered that the proposed development would have a negligible impact VSC for existing windows in the Clarion Hotel to the northeast of the site, and, therefore, would not result in undue overshadowing of this properties.

10.7.32. 24 no. main living room windows were also assessed for annual and winter APSH. 15 no. windows do not achieve an APSH of 25%. A minimum APSH of 18% is achieved. However, it is noted that the difference between the existing situation, the existing permitted development and the impact of the proposed development is marginal. All windows assessed met the recommended criterial for winter APSH. It is considered that the rooms would receive adequate sunlight.

HSE Centre (south of the subject site)

10.7.33. The assessment analysed the impact on 8 no. existing windows in a HSE facility located to the south of the site, on the opposite side of St. Loman's Road. The assessment indicates that all 8 no. existing windows in the existing building located to the south of the site would achieve a VSC of at least 27%. Therefore, it is considered that the proposed development would have a negligible impact VSC for existing adjacent property to the north of the site. This building was not assessed for APSH as the relevant windows are more than 90 degrees from due south.

Shancastle Park Road (south-east of the subject site)

10.7.34. The assessment indicates that all 6 no. existing dwelling located at Shancastle Park Road to the south-east of the site would achieve a VSC of at least 27%. Therefore, it is considered that the proposed development would have a negligible impact VSC for the existing dwellings to the southeast of the site. These houses were not assessed for APSH as the relevant windows are more than 90 degrees from due south.

10.7.35. The report also assessed the impact of the development on the amenity spaces of the adjacent properties. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. If as a result of a new development an existing garden or amenity area does not meet this standard and the area which can receive 2 hours of sun is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. The applicant's analysis assessed the impact of the development on amenity spaces to the north and east of the subject site associated with the Ballydowd Special Care Unit and existing St. Edmund's residential development. These spaces continue to receive at least 2 hours of sunlight on 21 March and, therefore, the development is in compliance with the BRE's 2011 guidance

Conclusion

10.7.36. As outlined above the proposed development does not achieve all of the standards set out in the BRE, with particular regard to the 2% ADF for some of the K/L/D rooms within the proposed scheme and the impact on VSC and APSH for 2 no. units in the existing St. Edmunds apartment development to the west of the subject site. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution. Throughout the Daylight, Sunlight and Overshadowing Study the applicant has provided a clear rationale for alternative and compensatory design solutions. The information provided indicates that access to daylight and sunlight formed an integral part of the design approach and that the design team endeavoured to maximise sunlight/daylight within the scheme and ensure a minimal impact on existing adjacent properties. It is also noted that the proposed impact is similar to that of the previously approved scheme on the subject site.

10.7.37. While it is noted that the scheme does not achieve all recommended standards, it is considered that this development results in wider planning benefits, such as the delivery of a significant quantum of housing, connectivity through the site, a high quality public open space and the comprehensive development of an underutilised serviced site in the urban area, which would support the consolidation of the urban environment. Therefore, the shortfalls outlined above are considered acceptable in this instance.

10.8. ***Transportation***

10.8.1. The subject site is located immediately adjacent to an extensive high quality road network. It is located west of the N4 / Fonthill Road interchange and c. 1km west of the N4 / M50 interchange. Access to the site is proposed from the existing internal access road serving the St. Edmunds development (413 no. units) at the site's western boundary. To the south the site is bound by St. Loman's Road, which is a distributor road. There is a high-quality footpath and cycle network in the immediate vicinity of the site. There is a signalised pedestrian crossing on the Fonthill Road to the south-east of the subject site, which provides access to Liffey Valley Shopping Centre.

10.8.2. The site is well served by public transport in the form of bus. The Lucan QBC runs along both sides of the N4 with bus stops in both directions within 500m north of the subject site. These stops are served by high frequency routes to the city centre and provides linkages to Lucan, Maynooth, Celbridge and Leixlip. In addition, the site is located c. 600m west of a bus terminus at Liffey Valley which provides connectivity to Finglas, Tallaght, Blanchardstown and the city centre. Section 3.3 of the applicant's Traffic Impact Assessment (TTA) provides details of the bus routes that operate in the vicinity of the site. It is noted that as part of the proposed Bus Connects project, a new public transport interchange facility is currently under construction at Liffey Valley and a new (relocated) footbridge is proposed over the N4 to provide improved connectivity to bus stops. The works also include the slight relocation of existing bus stops on the N4 to provide for increased capacity for waiting pedestrians.

10.8.3. It is noted that there is an existing permission on the site for 252 no. residential units and 225 no. car parking spaces. The proposed development comprises 313 no. residential units with 214 no. car parking spaces. Therefore, the proposed

development comprises 11 no. less car parking spaces than the development previously permitted. The TTA indicates that the vehicular movements generated by the proposed development would have a negligible impact on the surrounding road network. It is noted that no concerns were raised by the planning authority or TII regarding the capacity of the road network and that no submissions were received from the NTA who were a consulted as part of the application.

Car Parking

- 10.8.4. Table 11.24 of the development plan sets out car parking standards. The subject site is considered to be in zone 1 which recommends a maximum of 1 no. space per 1-bed unit, 1.25 no. spaces per 2-bed unit and 1.5 no. spaces per 3-bed unit. Therefore, a maximum of 358 no. spaces are permissible. It is proposed to provide 214 no. car parking spaces, in this regard 143 no. spaces are proposed below podium level within Block 1 and 71 no. spaces are proposed at surface level. A total of 204 no. spaces are to serve the 313 no. apartments, which equates to 0.65 no. spaces per unit and 8 no. spaces are proposed to serve the creche. The scheme includes motorcycle parking and 2 no. car club spaces. It is noted that the previously approved scheme provided 225 no. car parking spaces to serve 252 no. units which equated to 0.89 no. spaces per unit.
- 10.8.5. The development plan states that the maximum provision of car parking should not be viewed as a target and a lower rate of parking may be acceptable subject to the proximity of the site to public transport and the quality of the transport service it provides; the proximity of the development to services that fulfil occasional and day to day needs; the existence of a robust and achievable Mobility Management Plan; and the ability of people to fulfil multiple needs in a single journey. The Apartment Guidelines (2020) also state that in intermediate urban locations, close to public transport or close to town centres or employment centres a reduction of overall car parking standards must be considered, and an appropriate standard applied.
- 10.8.6. The subject site is located c.750m west of Liffey Valley Shopping Centre and c. 250m west of a number of commercial units including Liffey Valley Motor Mall, a creche, restaurants, a public house, gym and the Clayton Hotel, and c. 650km from the Fonthill Industrial Estate all of which provide a wide range of shopping facilities, supermarkets,

restaurants, banks, leisure facilities, and other services. The Hermitage Hospital is located c. 700m north of the subject site, on the opposite side of the N4. This site is located in an area well served by public transport. It is noted that the site is located within 500m of 2 no. bus stops on the N4. These stops are located on the C-Spine which is part of Phase 2 of Bus Connects Network. This route is served by C1 /C2 Adamstown to Sandymount which operates every 5 min in the peak, C3 / C4 Maynooth to Ringsend every 30 min and the 52 Leixlip (Intel) to Ringsend every hour. It also served by 8 no. peak only routes (P29, X25, X26, X27, X28, X30, X31 and X32), 6 no. local routes (L51, L52, L53, L54, L58 and L59) and 2 night-time routes (C5 and C6). In addition, the site is located c. 600m from a bus terminus at Liffey Valley which is served by the 40 which provides connectivity to Finglas via the city centre and the 26 which provides connectivity to Merrion Square. Both these routes operate every 10 min in the peak. The 76/A is an orbital route providing connectivity between Tallaght and Blanchardstown via Liffey Valley. This route operates every 20 min in the peak. Full details of each bus route and stop are available on www.dublinbus.ie and www.transportforireland.ie. Each bus has a capacity of 125 no. passengers. Therefore, having regard to the above it is my view that the subject site is located within close proximity to a high capacity and high frequency public transport.

- 10.8.7. A Mobility Management Plan was submitted as part of the TTA which notes a welcome travel pack would be distributed for all new residents and that all measures outlined in the plan would be implement. It is my view that the proposed scheme is in accordance with the provisions of the development plan and of the Apartment Guidelines and that the proposed quantum of car parking is appropriate in this instance.
- 10.8.8. The planning authority raised no objection to the proposed quantum of car parking. However, concerns were raised regarding the visual impact of the proposed surface level car parking in the northern portion of the site. As noted above the proposed scheme includes 71 no. spaces at surface level. It is my opinion that the quantum and location of surface car parking has been carefully considered by the applicant that it would not negatively impact on the visual amenities of the development. As outlined above, it is my opinion that 4 no. surface car parking spaces be omitted at the sites north-eastern corner to allow for increased screening / planting between the subject site and the proposed Part VIII Traveller Accommodation to improve the visual and

residential amenities for future occupants of both developments. If permission is being contemplated it is recommended that a condition be attached in this regard.

Bicycle Parking

- 10.8.9. The scheme includes 378 no. bicycle parking spaces, 244 no. are provided in Block 1, 74 no. are provided in Block 2/3, 20 no. spaces are proposed in Block 4 and an additional 40 no. visitor spaces provided at surface level. This equates to 1.2 spaces per apartment unit which is the same as the permitted scheme. The planning authority welcomes the proposed level of bicycle parking. I have no objection to the quantum of bicycle parking proposed.

Connectivity

- 10.8.10. The scheme includes a new pedestrian route from the Fonthill Road / N4 slip at the site's eastern boundary, through the subject site and towards the overall St. Edmund's development. This additional link would improve connectivity to bus stops on the N4 and to amenities and services at Liffey Valley Shopping Centre for future and existing residents of the overall St. Edmund's development. The proposed improved connectivity is welcomed. The planning authority raised some concerns regarding the accessibility of this route. It is noted that there is a level difference of c. 2m between the public road and the sites eastern boundary. As outlined above, it is recommended that if permission is being contemplated that a condition be attached that final design details of the pedestrian link be agreed with the planning authority.

10.9. ***Water Services and Flood Risk***

- 10.9.1. The applicants Engineering Assessment and Surface Water Drainage Design Report notes that a new foul sewer has been designed to collect discharge from the proposed development and discharge it to the existing foul sewer network within the St Edmunds Estate. The report states that the existing foul sewer networks within the St. Edmund's Estate were constructed to service both the existing development and the subject site. It is proposed to route the discharge from within the St Edmunds Estate to the exiting local authority network located within Mount Andrew Avenue to the west of St. Edmunds. The submission from Irish Water states that the proposed connections to the network are via third party infrastructure that has not been taken in charge by Irish

Water. The applicant is required to Identify and procure transfer to Irish Water of the arterial water and wastewater Infrastructure within the third-party Infrastructure and demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for additional load from the Development. It is considered that this could be addressed by way of condition.

10.9.2. There is currently an existing watermain passing through the site to the north. It is proposed to connect to the diverted water main within the proposed development site. The submission from Irish Water states that records indicate that in respect of water existing Irish Water infrastructure is present on the site. The applicant has engaged with Irish Water in relation to a proposed diversion of existing infrastructure (DIV21256) which shall also be provided with a wayleave to the benefit of Irish Water to ensure that it is accessible for maintenance.

10.9.3. The report also notes that there is an existing surface water network within the St. Edmund's Estate which was constructed to service both the existing development and the subject site. The surface water runoff generated from the proposed development will be routed through a series of SuDS elements which will facilitate the detention and infiltration at source. These devices include green roofs, bio-retention, permeable paving, swales, and carriageway runoff infiltration via tree pits. A flow control device would be installed to limit runoff to a greenfield rate into the existing surface water network / attenuation tank serving the existing St Edmunds Estate. I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts and that the concerns raised by the planning authority could be addressed by way of condition. Many of the proposed SuDS will provide potential for amenity and biodiversity. The planning authority raised no concerns regarding the proposed surface water proposals.

10.9.4. In conclusion, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts.

Flood Risk

10.9.5. The OPW maps indicate that the subject site is located within Flood Zone C. There is no record of historic flooding on the site. The site is not considered to be at minimal

risk from coastal, fluvial, pluvial or groundwater flooding. Having regard to the sites location in Flood Zone C am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority regarding flood risk.

10.10. **Part V**

10.10.1. It is proposed to provide 31 no. Part V units, representing 10% of the overall units in the scheme, in accordance with Policy H1 Objective 2 to apply a 10% social housing requirement. The planning authority note the 20% Part V requirement introduced in the Affordable Housing Act. The Affordable Housing Act, 2021 requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. I agree with the planning authority that it is unclear if this increased provision applies in this instance, however, it is my view that the details of the Part V provision could be addressed by way of condition.

10.11. **Material Contravention**

10.11.1. The applicant's Material Contravention Statement submitted as part of the Planning Report considered that the proposed development would materially contravene the South Dublin County Development Plan 2016 - 2022 with regard to the following: -

- Height - Policy H9
- Density - Policy H8 Objective 6
- Separation Distances - Section 11.3.1(v)
- Unit Mix - Section 11.3.1(i)
- Unit Size - Policy H14 Objective 1 and Section 11.3.1(iv)
- Dual Aspect – Section 11.3.1 (vi)
- Private Open Space – Policy H13 Objective 1

10.11.2. The applicants Material Contravention Statement submitted with the application addresses and provided a justification for these material contraventions.

10.11.3. **Height - Policy H9**

Housing (H) Policy 9 Residential Building Heights aims '*to support varied building heights across residential and mixed-use areas in South Dublin County*'. H9 Objective 3 aims to ensure a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (with reference to Section 11.2.7 Building Height of the Plan) and H9 Objective 4 aims to direct tall buildings that exceed five storeys in height to strategic and landmark locations. The subject site is not identified for tall buildings exceeding five storeys in an approved plan. The development, therefore, materially contravenes the development plan with respect to height. The issue of a material contravention of height is addressed and justified below.

Section 11.2.7 Building Height also states that the appropriate maximum or minimum height of any building will be determined by a number of criteria, including the proximity of existing housing. In this regard new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.

The separation distances between the proposed development and the existing St. Edmunds residential development to the west and Shancastle Park Road to the southeast significantly exceed 35m. Block 3 which exceeds 3-storeys would be located c. 33m from the previously approved Part VIII Traveller Accommodation to the north of the site. However, it is noted that these units are not existing. Block 1 which is in excess of 3storeys is located c. 33m from the existing HSE facility to the south. However, this is not a residential use. Blocks 2, 3 and 4 also exceed 3 storeys in height and are a minimum of c. 12m from the existing Ballydowd Special Care Unit to the north and west of the site. While it is acknowledged that this facility contains a residential element it is not in use a permanent residential accommodation. Therefore, it is my opinion that this is not a material contravention of the development plan. It is also noted that this relates to a recommended standard and not a policy of the plan.

While I do not consider the proposed scheme to be a material contravention Section 11.2.7, for completeness and responding to the precautionary approach adopted by the applicant the issue of a material contravention of height and separation distances is addressed and justified below.

10.11.4. Density - Policy H8 Objective 6

10.11.5. Policy H8 Objective 6 requires that the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations apply, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N). The proposed scheme has a density of 152 units per hectare. The proposed density, therefore, exceeds the range of 35-50 units per hectare and material contravenes the plan. The issue of a material contravention of height is addressed and justified below.

10.11.6. Separation Distances - Section 11.3.1(v)

Section 11.3.1 (v) states that a separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.

Due to the design of the Blocks, the majority of the proposed units front onto areas of open space with significant separation distances of up to 75m provided in some instances. However, there are some pinch points with a minimum separation distance of c. 11m between Blocks 1 and 2 and c. 10m and between the first to 3rd floor levels of Block 2 -3. While 22m separation distances have not been provided in all instances it is noted that the plan also states that reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy. It is my opinion that subject to the repositioning of a limited number of windows in Block 2 and 3 that the proposed design and layout prevents undue overlooking. It is also noted that this recommended target is not a policy of the plan.

Therefore, I am satisfied that the requirements of Section 11.3.1 (v) are satisfied, and the proposed separation distances are not a material contravention of the development plan.

10.11.7. Unit Mix - Section 11.3.1(i)

Section 11.3.1(i) of the plan states that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. It further states that proposals that include a high proportion of 1-bed dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area.

The proposed modification would increase from the permitted number of units from 252 no. (247 apartments / duplexes and 5 houses) to 313 no. units which is an increase of 61 no. units. The proposed 313 no. units comprise 137 no. (43.8%) 1-beds, 171 no. (54.6%) 2-beds and 5 no. (1.6%) 3-beds. Chapter 7 of the Statement of Consistency in the submitted Planning Report (page 80) notes that the proposed unit types are not currently available within the local area. It is considered that due to the significant quantum of traditional housing stock within Lucan-Esker Electoral Division and the need to accommodate higher densities, a scheme providing for a mix of apartment typologies would contribute to the overall residential mix within the wider area and facilitate a range of household sizes. I agree with the applicant and that the mix would provide greater choice in the area, which is dominated low density 2-storey suburban housing. It is my opinion that the mix would be in accordance with the provisions of Section 11.3.1(i) to provide for a balanced range of dwelling types and sizes. It is also noted that the recommended unit mix does not relate to a policy of the plan.

Therefore, I am satisfied that the requirements of Section 11.3.1 (i) are satisfied, and the proposed unit mix is not a material contravention of the development plan.

10.11.8. Unit Size - Policy H14 Objective 1 and Section 11.3.1(iv)

Policy H14 Objective 1 aims to ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative

standards and recommendations contained in Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency. Table 11.21 of Section 11.3.1(iv) of the plan sets out the minimum floor areas for units which is reflective of the 2015 Apartment Guidelines, in this regard 45sqm for a 1-bed unit, 73sqm for a 2-bed unit and 90sqm for a 3-bed unit. As the referenced 2015 Apartment Guidelines were superseded by the 2020 Apartment Guidelines the applicant addressed the issue of unit size in the material contravention statement. It is noted that the 2020 Guidelines include a standard of 63sqm for a 2-bed (3-person) unit. However, as all proposed units reach or exceed the standards set out in the development plan and both the 2015 and 2020 Apartment Guidelines it is my opinion that there is no material contravention of the development plan with regard to unit size. The Planning Authority acknowledges that compliance with the 2020 Apartment Guidelines means that there is a conflict with the County Development Plan, however, this is not considered to be a material contravention.

Therefore, I am satisfied that the requirements of Policy H14 Objective 1 and Section 11.3.1(iv) are satisfied, and the proposed unit mix is not a material contravention of the development plan.

10.11.9. Dual Aspect – Section 11.3.1 (vi)

Section 11.3.1 (vi) requires that dual aspect ratios in apartment schemes be provided in accordance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2015). These 2015 Guidelines have been superseded by the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DHLGH, (2020). In total, 166 no. apartments are dual aspect (c. 53%) while the remaining 147 no. are single aspect (c. 47%), which is in excess of the recommended target in both the 2015 and 2020 Apartment Guidelines. As the development plan referenced the 2015

Apartment Guidelines the applicant addressed the issue of dual aspect in the material contravention statement. However, as all proposed units are all in accordance with both the 2015 and 2020 Apartment Guidelines it is my opinion that there is no material contravention of the development plan with regard to dual aspect. The Planning Authority acknowledge that compliance with the 2020 Apartment Guidelines means that there is a conflict with the County Development Plan, however, this is not considered be a material contravention in this instance.

Therefore, I am satisfied that the requirements of Section 11.3.1(vi) are satisfied, and the proposed unit mix is not a material contravention of the development plan.

10.11.10. Private Open Space – Policy H13 Objective 1

Policy H13 Objective 1 aims to ensure that all private open spaces for apartments and duplexes including balconies, patios and roof gardens are designed in accordance with the qualitative and quantitative standards (including minimum balcony size and depth) set out under Sustainable Urban Housing: Design Standards for New Apartments, DECLG (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide, DEHLG (2009).” As the referenced 2015 Apartment Guidelines were superseded by the 2020 Apartment Guidelines the applicant addressed the issue of private open space in the material contravention statement. It is noted that both the 2015 and the 2020 Guidelines include a private open space standard of 5sqm per 1-bed unit, 7sqm for 2-bed units and 9sqm for 3-bed units. Each unit has been provided with private open space that reaches or exceeds these standards. Therefore, it is my opinion that there is no material contravention of the development plan with regard to private open space provision. The Planning Authority acknowledges that compliance with the 2020 Apartment Guidelines means that there is a conflict with the County Development Plan, however, it does not consider this to be a material contravention.

Therefore, I am satisfied that the requirements of Policy H13 Objective 1 are satisfied, and the proposed private open space provision is not a material contravention of the development plan.

10.11.11. **Section 37(2)(b)**

Having regard to the above it is my opinion that the proposed development materially contravenes Policy H9 and Section 11.2.7 (Height) and Policy H8 Objective 6 (Density) of the South Dublin County Development Plan 2016 – 2022, only.

Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (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, or
- (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, or
- (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.

10.11.12. **Section 37 (2) (b)(i)**

The subject site has an area of c. 2.72ha and would deliver 313 no. residential units in the urban area. The site's urban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan (MASP), which is part of the Regional Spatial and Economic Strategy. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness and Housing for All – A New Housing Plan for Ireland. The site is also located in close proximity to high frequency and high-capacity public transport and employment hubs and a range of services and facilities within Liffey Valley Shopping Centre. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the success of national policy, in addressing both housing and

homelessness in the City and consolidating the urban environment. The proposed material contraventions are, therefore, justified by reference to section 37(2)(b)(i) of the act.

10.11.13. **Section 37 (2) (b)(iii)**

The proposed material contravention to the **Height** provision is justified by reference to: -

- Objectives 13 and 35 of the National Planning Framework which support increased building heights at appropriate locations.
- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights.

The proposed material contravention to the **Density** provision is justified by reference to: -

- Objective 35 of the National Planning Framework which supports increased residential densities at appropriate locations.
- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights.
- RPO 5.4 and RPO 5.5 of the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 which encourage the provision of higher densities and the consolidation of Dublin and suburbs.

While the material contraventions of the development plan relate to separate elements, as outlined above, it is my opinion that the issues of height and density are inextricably linked and justified in some instances by the same national guidance, in particular the National Planning Framework and Urban Development and Building Heights Guidelines. Therefore, to avoid repetition, it is my opinion that it is appropriate to address both issues of height and density in the context of the relevant guidance below.

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. National Policy Objective 13 states that’s that in urban areas, planning and related standards, including in particular building height, 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 states that 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.

The NPF further states that although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposal. In particular, general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g. city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc. A more dynamic performance-based approach appropriate to urban location type will also enable the level of public transport service to improve as more development occurs and vice-versa.

The Regional Spatial and Economic Strategy (RSES) is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people’s quality of life through the creation of healthy and attractive places to live, work, visit and study in. The site is located with the ‘Dublin Metropolitan Area’. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Regional Policy Objective 5.4 states that future development of

strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'. Regional Policy Objective 5.5 states that future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

The Building Height Guidelines are intended "*to set out the national planning policy guidelines on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework*". It is further noted that statutory development plans have set generic maximum heights across their functional areas and if inflexibly or unreasonably applied "*can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area*". Section 2 refers to Building Heights and the Development Plan. It states that implementation of the National Planning Framework requires increased density, scale and height and requires more focus on reusing brownfield sites and building up urban infill sites, and of relevance those which may not have been built on before.

The history of the surrounding sites is also relevant to the proposed height strategy. In this regard the previous grant of permission (ABP-305857-19) which permitted heights of up to 8-storeys on the site and the parent permission (PL.06S.213918 / Reg Ref: SD05A/0090) for the overall St. Edmunds development which included heights of up to 6-storeys, which exceeds the Development Plan threshold of 5- storeys. It is also noted that the previously approved scheme and the overall St. Edmunds development include buildings of over 3-storey in height and separation distances of less than 35m, as recommended in Section 11.7.2 of the plan.

SPPR 1 of the Height Guidelines states that in accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

As outlined above in my planning assessment I am of the opinion that this particular area can accommodate the increased height proposed and should not be subject to a 'blanket numerical limitation'. The design proposed has taken full account of its setting with the taller units located away from the site's sensitive boundaries with existing Ballydowd Special Care Unit and the previously approved Part VIII Traveller Accommodation to the north of the site. The number (313) of units proposed will assist in achieving national policy objectives for significantly increased housing delivery in an urban area with substantial amenities including locations with good public transport accessibility

Furthermore, having regard to the c. 2.72 ha size and to the configuration of the site, it is my opinion that the site has the capacity to absorb increased heights and densities over those prescribed in the Development Plan.

Section 3 of the Height Guidelines refers to the Development Management Process. It is noted that 'building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise development is not an option in this location, simply because the prevailing heights to the east are 2-storeys in height.

The Height Guidelines present three broad principles which Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights. I have provided a response below each principle.

- 1. Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

Response: Yes – the development of this underutilised, infill greenfield site within the urban area would support national strategic objectives to deliver compact growth.

2. *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

Response: No - the blanket height and density limits applied in the South Dublin County Development Plan 2016 -2022 predates the Guidelines (2018) and, therefore, has not taken clear account of the requirements set out in the 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?*

Response: No - it cannot be demonstrated that implementation of the policies, which predate the Guidelines support the objectives and policies of the NPF.

Section 3 of the Height Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- Site is well served by high capacity and high frequency public transport. In particular it is noted that the site is located within 500m of 2 no. bus stops on the N4. These stops are located on the C-Spine which is part of Phase 2 of Bus Connects Network. This route is served by C1 /C2 Adamstown to Sandymount which operates every 5 min in the peak, C3 / C4 Maynooth to Ringsend every 30 min and the 52 Leixlip (Intel) to Ringsend every hour. It also served by 8 no. peak only routes (P29, X25, X26, X27, X28, X30, X31 and X32), 6 no. local routes (L51, L52, L53, L54, L58 and L59) and 2 night-time routes (C5 and C6).

In addition, the site is located c. 600m from a bus terminus at Liffey Valley which is served by the 40 which provides connectivity to Finglas via the city centre and the 26 which provides connectivity to Merrion Square. Both these routes operate every 10 min in the peak. The 76/A is an orbital route providing connectivity between Tallaght and Blanchardstown via Liffey Valley. This route operates every 20 min in the peak. Full details of each bus route and stop are available on www.dublinbus.ie and www.transportforireland.ie Each bus has a capacity of 125 no. passengers. Therefore, having regard to the above it is my view that the subject site is located within close proximity to a high capacity and high frequency public transport.

- The visual impact of the scheme has been addressed throughout the submitted Planning Report and Design Statement and 10 no. photomontages have been submitted. I am satisfied that there will not be an unacceptable impact.
- Proposal makes a positive contribution to place-making by virtue of new public spaces within the c. 2.72 ha site, using massing, scale and height to achieve required densities but with sufficient variety and height as has been done with the range of block heights and it responds to the scale of adjoining developments, with respect to the taller buildings being located towards the sites southern and eastern boundaries.

Scale of district/neighbourhood/street:

- Design has responded to its overall natural and built environment and makes a positive contribution with the provision of perimeter blocks with the taller Buildings located away from sensitive boundaries, the placement of a significant portion of car parking below a podium level and the provision of significant areas of public open space and high-quality public realm.
- It is not monolithic – it is 4 blocks of varying heights and scales.
- It enhances a sense of scale and enclosure having regard to the passive surveillance of areas of open space as a result of the design and layout of the blocks.
- Enhances legibility with an additional pedestrian / cycle route from the Fonthill Road / N4 slip road through the site being made available.

- The proposed creche positively contributes to the mix of uses and would be available to the wider community.
- There is a sufficient mix of typology – 1, 2 and 3 bedroom units.
- The submitted Engineering Report indicates that the site is located in Flood Zone C and that the scheme would not result in a potential flood risk within the site or to any adjoining sites.

Scale of site/building:

- A Daylight, Shadow and Sunlight Report have been submitted demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents. Details of which are included in my planning assessment above.

The Specific Assessments required to support the proposal referred to in section 3.2 of the Guidelines include micro-climatic assessment, interaction with birds and bat flight lines and/or collisions, telecommunications, air navigation, urban design statement, and relevant environmental assessments. Where relevant these assessments have been carried out in the submitted reports as required by SPPR 3 below.

SPPR 3 of the Guidelines states (of note 3A is of relevance in this instance): It is a specific planning policy requirement that where; (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

Having regard to my assessment above which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3(A)(1) and having regard to SPPR 3(A)(2) with respect to wider strategic and national policy parameters as referenced throughout this report, I am satisfied that the criteria have been complied with.

Having regard to the provisions of the National Planning Framework, the Regional Spatial and Economic Strategy and the Building Height Guidelines and to the setting of this site with respect to public transport, its size (2.72 ha), and in particular the local infrastructure I am satisfied that it is a suitable site for increased height and density without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact. I am satisfied that, having regard to the fact that the Development Plan predates the Building Height Guidelines by c. 2 years and that this proposal is in accordance with the National Planning Framework objectives to deliver compact growth in urban areas and in accordance with the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 to encourage the provision of higher densities and the consolidation of Dublin and suburbs, that in accordance with Section 37(2)(b)(iii) it is open to the Board to grant permission for the development as a material contravention of the Development Plan.

10.11.14. **Conclusion**

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to materially contravene Policy H9 and Section 11.2.7 (Height) and Policy H8 Objective 6 (Density) of the South Dublin County Development Plan 2016-2022 and would be justified in this instance under sub sections (i) and (iii) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness, Housing for All – A New Housing Plan for Ireland the National Planning Framework, the Regional and Economic Strategy for the Midlands, and the Urban Development and Building Heights Guidelines.

11.0 **Environmental Impact Assessment (EIA) Screening**

11.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA Screening Report and Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(c), and I have had regard to same in this screening assessment. This report contained information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening Assessment submitted by the

applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

11.2. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- 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.

11.3. It is proposed to amend a previously permitted scheme, the amendments result in an increase of the permitted number of units (252 no) to 313 no apartments in 4 no. blocks on a site with a stated area of 2.06ha (c. 2.72 ha including area within the ownership of South Dublin County Council). The site is located in the urban area (other parts of a built-up area). The site is, therefore, below the applicable threshold of 10ha. There are limited excavation works with no basement level proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and South Dublin County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which noted that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites can be excluded and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

11.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the

environment that could and should be the subject of environmental impact assessment. EIA Screening Statement (page 7) of the applicants report directly addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the EIA Screening Report to determine whether the development would or would not be likely to have a significant effect on the environment.

11.5. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Design Statement
- Ecological Impact Assessment
- Statement of Screening for Appropriate Assessment
- EIA Screening Report and Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(C)
- Engineering Assessment and Surface Water Drainage Design Report
- Construction and Demolition Waste Management Plan
- Operational Waste and Recycling Management Plan
- Impacts of Modifications to Approved Development at St. Edmund's upon the local Bat Fauna
- Energy Report
- Building Lifecycle Report

11.6. Section 299B (1)(b)(ii)(II)(C) notes that the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. Appendix A of the report provides a table of relevant assessments. I would also note that the following assessments / reports: -

- An Appropriate Assessment Screening Report and Ecological Impact Assessment which had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and to the Water Framework Directive (WFD) (Directive 2000/60/EC).
- A Construction and Demolition Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021 and to the Water Framework Directive (WFD) (Directive 2000/60/EC) and Directive 2008/50/EC on ambient air quality and cleaner air for Europe.
- The Statement of Consistency & Material Contravention Statement which had regard to the SEA Directive (2001/42/EC) and to the Strategic Environmental Assessment (SEA) for the South Dublin County Development Plan 2016 – 2022.
- The Traffic Noise Impact Assessment which had regard to the Environmental Noise Directive (2002/49/EC)
- The Engineering Assessment and Surface Water Drainage Design which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the South Dublin County Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).

11.7. The applicants EIA Screening Report, under the relevant themed headings, considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

- 11.8. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.
- 11.9. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 **Appropriate Assessment**

- 12.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The applicants Statement of Screening for AA notes that there is no direct hydrological connection to any designated sites.
- 12.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:
- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
 - Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
 - Sensitivity and location of ecological features.

12.3. The applicant considers that the following 8 no. European sites are located within the zone of influence of the site. The separation distances from the subject site are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Rye Water Valley / Carton SAC	001398	5.7km
Glenasamole Valley SAC	001209	10.9km
South Dublin Bay and River Tolka Estuary SPA	004024	11.7km
South Dublin Bay SAC	000210	12.3km
North Dublin Bay SAC	000206	14.8km
North Bull Island SPA	004006	14.8km
Wicklow Mountains SAC	002122	13.1km
Wicklow Mountains SPA	004040	14.6km

12.4. The qualifying interests and possible significant effects on each the designated sites outlined above are provided in Section 3.3 of the Applicants report. In terms of Conservation Objectives for each site, it is noted that the most sites have generic conservation objectives, which seek to maintain or restore the favourable consideration condition of the habitat / species for which the site has been selected. Detailed conservation objectives are available on www.npws.ie and I refer the Bord to same which seek to maintain and/or restore favourable conservation condition.

12.5. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

12.6. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of

the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites.

12.7. **Screening Assessment**

12.7.1. The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are as follows:

South Dublin Bay SAC (000210) - c. 12.3km from the subject site.

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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]

South Dublin Bay and River Tolka Estuary SPA (004024) - c.11.7 km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

North Dublin Bay SAC (000206) – c. 14.8km from the subject site

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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 (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

North Bull Island SPA (004006) - c. 14.8km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interests/Species of Conservation Interest: Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

12.8. ***Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA***

- 12.8.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 12.8.2. Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites in Dublin Bay are between 11.7km and 14.8km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).
- 12.8.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment.
- 12.8.4. The foul discharge from the proposed development would drain, via the public combined sewer, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.

- 12.8.5. It is noted that Ringsend WWTP is currently working at or beyond its design capacity and cannot accommodate the proposed development. The subject site is identified for development through the land use policies of the South Dublin County Development Plan 2016-2022. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 313 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- 12.8.6. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.
- 12.8.7. It is evident from the information before the Board that on the basis of 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 on file, the information submitted as part of the applicant's Statement of Screening Assessment for Appropriate Assessment 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 the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation

objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

12.9. **AA Screening Conclusion:**

- 12.9.1. It is reasonable to conclude that on the basis of 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 on file, the information submitted as part of the applicant's Appropriate Assessment Screening report 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 South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

13.0 **Recommendation**

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied, and that permission is granted for the reasons and considerations and subject to the conditions set out below.

14.0 **Reasons and Considerations**

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the South Dublin County Development Plan 2016 - 2022
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021

- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
- n. Chief Executive’s Report; and
- o. Submissions and observations received.

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

15.0 **Recommended 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 20th day of December 2021 by McGill Planning Limited, on behalf of Moykerr Limited.

Proposed Development:

The proposed development comprises a modification to a previously permitted scheme granted on the subject site (Reg. Ref. ABP-305857-19) and which is currently under construction. The proposed amendments to the permitted development comprise the following:

- Increase the height of permitted Block 1 by 1 no. storey with an additional 21 no. units, providing a total of 235 no. apartments within Block 1.
- Reconfigure the layout of Block 2 and increase the permitted height by 1 no. storey. The revised block would provide 1 no. additional apartment, to provide a total of 34 no. apartments within Block 2.
- Replace Block 3 (a terrace of 5 no. 2 storey, 3-bed houses) with a new 4-5 storey apartment block comprising 28 no. apartments.
- Replace Block 4 (a 3-storey commercial block comprising creche, gym, retail unit, community room and concierge) with a 2-5 storey block comprising 16 no. apartments, a creche and residential amenity space (gym, co-working space, a multi-use room, kitchenette and reception).

The proposed modification would increase from the permitted number of units from 252 no. (247 apartments / duplexes and 5 houses) to 313 no., which is an increase of 61 no. units. The proposed 313 no. units comprise 137 no. 1-beds, 171 no. 2-beds and 5 no. 3-beds. All apartments will have associated private balconies/terraces to the north/south/east/west elevations. The maximum height has increased from 8 storeys to 9 storeys. Permitted parking will be revised to now provide 214 no. car parking spaces (a decrease of 11 no. spaces) and 378 no. bicycle parking spaces (an increase of 70 no. spaces).

The works also include all associated site services and works to enable the development including bin stores, ESB substations, associated roadworks and services connections, public and communal open spaces, vehicular access, pedestrian/cyclist connections, boundary treatment works and landscaping.

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.

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the South Dublin County Development Plan 2016 - 2022
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;

- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report;
- o. Inspector's Report; and
- p. Submissions and observations received.

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

Appropriate Assessment:

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

Environmental Impact Assessment

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Statement

submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect Class 10(b)(i) and Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- the location of the site on lands zoned RES: to protect and / or improve residential amenity in the South Dublin Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, Operational Waste and Recycling Management Plan, Ecological Impact Assessment, Statement of Screening for Appropriate Assessment, EIA Screening Report and Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(C), Engineering Assessment and Surface Water Drainage Design Report and Impacts of Modifications to Approved Development at St. Edmund’s upon the local Bat Fauna.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from the parameters of the Building Height as set out in Policy H9 and Section 11.2.7 (Height) and Policy H8 Objective 6 (Density) of the South Dublin County Development Plan 2016-2022 broadly compliant with the provisions of the South Dublin County 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 Development Plan, it would materially contravene the provisions of the South Dublin County Development Plan 2016-2022 with regard to building height and density.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the South Dublin County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- The subject site has an area of c. 2.72 ha and would deliver 313 no. residential units in the urban area. The site's suburban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan (MASP), which is part of the Regional Spatial and Economic Strategy. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness and Housing for All – A New Housing Plan for Ireland. The sites is also located in close proximity to high frequency and high capacity public transport and employment hubs and a range of services and facilities within Liffey Valley Shopping Centre. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the

success of national policy, in addressing both housing and homelessness in the City and consolidating the urban environment. The proposed material contraventions are, therefore, justified by reference to section 37(2)(b)(i) of the act.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Policy H9 and Section 11.2.7 (Height) of the South Dublin County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- Objectives 13, and 35 of the National Planning Framework which support increased residential densities and building heights at appropriate locations.
- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Policy H8 Objective 6 (Density) of the South Dublin County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- Objective 35 of the National Planning Framework which supports increased residential densities at appropriate locations.
- RPO 5.4 and RPO 5.5 of the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 which encourage the provision of higher densities and the consolidation of Dublin and suburbs.
- SPPR3 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

16.0 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. The proposed development shall be amended as follows: -

- a. The windows serving units 12, 18 and 24 in Block 3 shall be relocated c. 1m west and the windows serving units 11, 17 and 23 in Block 3 shall be relocated c. 1m east.
- b. The southern elevation of the communal open space at the roof top level (fourth floor level) of Block 3 shall be appropriately screened with obscure glazing or planting a minimum of 1.8m in height
- c. Car parking space numbers 52, 53, 64 and 65 (4 no.) along the sites northern eastern boundary shall be permanently omitted and additional trees and / or planting be provided.

Reason: In the interest of residential and visual amenity

3. The proposed render finish shall be omitted from the external materials of Blocks 2, 3 and 4. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors 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 interest of visual amenity and to ensure an appropriate high standard of development.

4. Details of signage relating to the creche unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Prior to commencement of development the applicant shall agree in writing with the planning authority the final layout of the 4,400sqm area of public open space at the eastern boundary of the site.

Reason: in the interest of clarity and to ensure an appropriate high standard of development.

6. Prior to commencement of development the applicant shall agree in writing with the planning authority the final details of furniture and equipment including seating areas and play spaces to be provided within the areas of communal and public open space.

Reason: In the interest of residential amenity and to ensure an appropriate high standard of development.

7. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity.

8. The boundary planting and areas of communal open space and public open space shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 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 the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

11. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

13. 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 residential amenities of property in the vicinity and the visual amenities of the area.

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

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

15. 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.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

18. 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.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

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

21. Prior to commencement of development, the developer 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.

22. 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

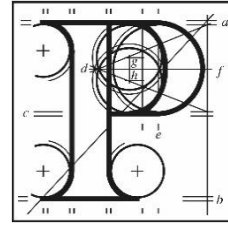
23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

Elaine Power

Senior Planning Inspector

5th April 2022



**An
Bord
Pleanála**

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312275-21
Development Summary		Amendments to the previously permitted ABP-305857-21 to include an increase in unit numbers from 252 no. to 313 no. and all associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>An Appropriate Assessment Screening Report and Ecological Impact Assessment which had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and to the Water Framework Directive (WFD) (Directive 2000/60/EC).</p> <p>A Construction and Demolition Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021 and to the Water Framework Directive (WFD) (Directive 2000/60/EC) and Directive 2008/50/EC on ambient air quality and cleaner air for Europe.</p>

	<p>The Statement of Consistency & Material Contravention Statement which had regard to the SEA Directive (2001/42/EC) and to the Strategic Environmental Assessment (SEA) for the South Dublin County Development Plan 2016 – 2022.</p> <p>The Traffic Noise Impact Assessment which had regard to the Environmental Noise Directive (2002/49/EC)</p> <p>The Engineering Assessment and Surface Water Drainage Design which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the South Dublin County Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).</p>
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units and a creche on lands zoned for residential development, on which a creche is open for consideration. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	No. The proposed development is located within the urban area.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Operational Waste and Recycling Management Plan, significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p>No</p>

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

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising development of an urban site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	<p>No</p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p>	<p>No</p>

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No such features arise in this urban location</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>No. The development will implement SUDS measures including attenuation of surface water, to control run-off. The site is not at risk of flooding.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of bus 214 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No. The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

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

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- nature and scale of the proposed development, which is below the threshold in respect Class10(b)(i) and Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- the location of the site on lands zoned RES: to protect and / or improve residential amenity in the South Dublin Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, Operational Waste and Recycling Management Plan, Ecological Impact Assessment, Statement of Screening for Appropriate Assessment, EIA Screening Report and Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(C), Engineering Assessment and Surface Water Drainage Design Report and Impacts of Modifications to Approved Development at St. Edmund’s upon the local Bat Fauna.

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

Inspector: Elaine Power

Date: 5th April 2022