



An
Bord
Pleanála

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

Inspector's ADDENDUM Report ABP-312352-21

Strategic Housing Development

Demolition of existing buildings,
construction of 183 no. Build to Rent
apartments, and associated site
works.

Location

No. 146A and 148-148A Richmond
Road, Dublin 3.
(www.richmondroadshd.ie)

Planning Authority

Dublin City Council North

Applicant

Birkey Limited.

Prescribed Bodies

1. Irish Water.
2. Inland Fisheries Ireland.
3. Department of Housing, Local Government and Heritage.

Observer(s)

1. Anne Delahoy.
2. Donal Carroll.
3. Cllr. Donna Cooney.
4. Rado Durina.
5. Shane Clarke.

Inspector

Daire McDevitt

1.0 Introduction

This addendum report should be read in conjunction with my original report on file dated 5th October 2022.

Board Direction BD-016142-24 dated 2nd May 2024 contains the Board's Direction in relation to this Addendum Report which reads as follows:

Return File to the inspector, with a request for an addendum report to be prepared to consider the following items:

- 1. Recent planning applications for residential development in the immediate vicinity of the appeal site.*
- 2. Relevant provisions of the Dublin City Development Plan 2022-2028.*
- 3. Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended).*
- 4. The Board may determine that the mitigation measures relied upon in the Natura Impact Statement, while maybe comprising best practice construction measures, may also be for the intended purpose to avoid any potential significant effects on the European sites. In order to facilitate a complete examination by the Board, the inspectorate is requested to undertake a (Stage 2) Appropriate Assessment.*

I address each in the following sections.

2.0 Recent planning applications for residential development in the immediate vicinity of the site

Below is not an exhaustive list, rather includes applications of relevance for the SHD before the Board.

ABP Ref. ABP-310860-21 Refers to a 2021 grant of permission for a SHD application on lands at Holy Cross College, Clonliffe Road, and Drumcondra Road Lower to the west of the subject site. The proposed development comprises the construction of 1,614 no. Build to Rent apartments, and associated site works in a series of new and retained buildings. The 12 no. new residential buildings range in height from 2 storeys to 18 storeys. This decision was subsequently quashed by the High Court in January 2023.

PA Ref. LRD/6006/23-S3 (ABP 317136-23) refers to an August 2023 permission by the Board for a LRD to demolish buildings and construct 133 apartments, 17 artists' studios, a retail unit, a gymnasium and a childcare facility in three blocks of four to ten storeys and associated development at the Former Leyden's Wholesalers & Distributors, no.158a Richmond Road, Dublin 3.

Referred to as Phase 2 associated with the SHD which is the subject of this report. Documentation submitted with this application noted that in the event that the proposed strategic housing development under An Bord Pleanála (ABP) reference (ref.) 312352-21) is refused permission, provision is made for the construction of a 204m-long, flood-defence wall ranging in height from 1.25m to 2.3m along the western, southern and south-eastern boundaries of the site, and the installation of telecommunications infrastructure at roof level to proposed block B, including 18 antennas enclosed in nine shrouds and six transmission dishes, together with all associated equipment;

PA Ref. LRD6009/23-S3 (ABP ref. 317438-23) refers to an October 2023 permission by the Board for a LRD comprising the demolition of structures, change of use of a Protected Structure, refurbishment of buildings, construction of a new hospital building and nine residential blocks of two to 13 storeys consisting of 811 apartments, a café, co-working space, a community library, a childcare facility, a community hall, a gym, residential support amenities and facilities, on the grounds of St. Vincent's Hospital on the opposite side of Richmond Road to the ABP 317136-23. Part of the St. Vincent's site overlaps the ABP 317136-23 site along Richmond Road.

PA ref. LRD6009/23-S3 (ABP ref. 315584-23) refers to a May 2023 permission granted by the Board for an LRD comprising 97 apartments, a gym, a shop, a café and a renovated basement structure in three blocks along the west side of Esmond Avenue approximately 380m to the southeast of ABP 317136-23.

3.0 Relevant provisions of the Dublin City Development Plan 2022-2028 and Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

3.1 Context

Further to Board Direction BD-016142-24 I have addressed "Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)" and "Relevant provisions of the Dublin City Development Plan 2022-2028" in this section to avoid unnecessary repetition as there is a degree of overlap in matters arising.

Since my previous report on file dated 5th October 2022 the Dublin City Development Plan 2022-2028 was adopted on the 2nd of November 2022 and came into effect on the 14th of December 2022. The Statement of Consistency and the Material Contravention Statements submitted with the application refers to the Dublin City Development Plan 2016-2022 as this was the statutory plans in place at the time the application was lodged. The Material Contravention Statement sets out the justification for the proposed residential development, in particular the proposed:

- Building Height with reference to Chapter 16 of the Development Plan;
- Dwelling Mix, Requirement of Units to Exceed Floor Area by 10%, Location of the Proposed Build-to-Rent Units and Build-to-Rent Legal Covenant Dwelling Mix with reference to Section 16.10.1 of the Development Plan;
- Number of units provided per core with reference to Section 16.10 of the Development Plan;
- Daylight/Sunlight with reference to Section 16.10.1 of the Development Plan;
- Apartment Room Sizes with reference to Section 16.10 of the Development Plan;
- Ratio of Glazing with reference to Section 16.10.1 of the Development Plan; and
- Children's Play Space with reference to Section 16.10.1 of the Development Plan.

This addendum report considers the statutory plan currently in place, i.e. the Dublin City Development Plan 2022-2028 which has superseded the Plan referenced by the applicant in their documentation.

The application site is located on lands identified under land-use zoning 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' with a stated objective in the Development Plan '*to consolidate and facilitate the development of inner-city and inner-suburban sites for mixed uses*'. Richmond Road is identified as being subject of a six-year 'road, street and bridge scheme' objective. The application site is identified as being within a conservation area that generally follows the River Tolka.

Other relevant sections of the Development Plan include inter alia:

- Section 4.5.2 - Approach to the Inner Suburbs and Outer City as Part of the Metropolitan Area (policy SC8);
- Section 4.5.3 – Urban Density (policies SC10, SC11, SC12 and SC13);
- Section 4.5.9 – Urban Design & Architecture (policies SC19, SC20, SC21, SC22 and SC23);
- Section 5.5.7 and 15.10 Build to Rent (Policies QHSN40, QHSN42, QHSN42, QHSN44)
- Section 8.5.1 - Addressing Climate Change through Sustainable Mobility;
- Section 9.5.1 – Water Supply and Wastewater;
- Section 9.5.3 – Flood Management;
- Section 9.5.4 – Surface Water Management and Sustainable Drainage Systems (SuDS);
- Section 15.4 – Key Design Principles;
- Section 15.5 – Site Characteristics and Design Parameters;
- Section 15.8 - Residential Development;
- Section 15.9 – Apartment Standards.
- Appendix 3 Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.

I consider that the new policies and objectives broadly align with previous policies and objectives found in the 2016 City Development Plan as they relate to this development and matters do not arise that mitigate my assessment of the proposed development. Where required I have expanded on a number of areas in the following sections where there is a divergence as required.

The updates of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities dating from December 2022 onwards no longer recognise build-to-rent schemes as a distinct category in relation to residential amenity standards, although section 5.7 of the most recent 2023 version of the Guidelines acknowledge the role of build-to-rent schemes in housing supply and in promoting compact urban form. The 2023 version of the New Apartment Guidelines confirm that transitional arrangements apply for strategic housing development applications proposing build-to-rent units that were in the planning system prior to the 21st day of December, 2022, providing for such applications to be subject of the provisions in the 2020 version of the New Apartment Guidelines. Given the timelines for the subject application, the standards set out in the New Apartment Guidelines dating from 2020 are applicable, including SPPRs 7 and 8, and it is these Guidelines that the Board must have regard to when decided upon the subject application, and not the 2022 or 2023 versions of the Guidelines.

The Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024) (hereinafter the 'Compact Settlements Guidelines') came into effect in January 2024. No transitional arrangements were put in place for the implementation of these guidelines, therefore affect any decision from that date they came into effect regardless of when an application was lodged.

I address compliance with relevant section 28 guidelines under the relevant headings below.

3.2 Land Use Zoning

The site is located on lands which are the subject of Land Use Zoning Objective Z10 Inner Suburban and Inner-City Sustainable Mixed-Uses in the Dublin City Development Plan 2022-2028 with a stated objective '*to protect, provide and improve residential amenities*'.

The Inspector Report for ABP 317136-23 noted "*the reference in the Development Plan to a 70:30 use split for Z10 zoned lands and how this is to be applied in relation to the consideration of development proposals is quite ambiguous. To apply the range based on the area of a site allocated for a specific use would inherently fail to consider the possibility of varying uses at different floor levels in a multi-storey development. I am satisfied that based on the above it is the entire Z10 landbank that needs to be considered with respect to the land use split and not an individual development site or landholding*". The Inspector concluded that "*In my opinion, should the subject proposals be considered solely as a residential use, the extent of non-residential properties, including those fronting onto Richmond Road and the main streets in the Z10 land parcel, would suggest that the 70:30 use range would not be exceeded with the subject proposals. Accordingly, I am satisfied that the proposed development would not result in a mix of land uses non-compliant with the Z10 land-use zoning objectives required in the Development Plan.*" This was accepted by the Board under ABP 317136-23 and having regard to the nature of the current application before the Board, there has been no changes in circumstances since this to warrant a reversal of opinion relating to this matter. Therefore I see no reason to consider this matter further under the current application before the Board.

The 2022 Development Plan requires that a masterplan be prepared in respect of development of Z10 lands in certain locations and for sites of greater than 0.5ha. For any site over 0.5ha where proposals feature an enhanced scale and height, policy SC17 of the Development Plan also requires a masterplan in accordance with the criteria for assessment set out in appendix 3 to the Development Plan. The criteria in appendix 3 refers to the need for a masterplan to provide a vision for the development of the entire site area. Under LRD ABP 317136-23 the applicants Architectural and Urban Design Statement provided a masterplan and urban design rationale for the site and the adjoining in light of the requirements of the current Development Plan. An indicative masterplan is included in the current application documentation (see section 02 of Architectural Design Statement submitted with ABP 312532-22 addresses Context & Master planning). In this regard I am of the view that the two proposals (SHD & LRD applications) on the subject zoned Z10 landholding serve as a masterplan, in compliance with the stated Development Plan provisions.

Having regard to the zoning objective on the site and uses which are permitted in principle, I consider the principle of residential development consisting of Build to Rent apartments and a retail/commercial unit on this site is acceptable in principle subject to compliance with the relevant standards and other planning considerations which are addressed in this report. I have formed this judgement with an awareness of locations identified for BTR developments in the current Development Plan which I address in section 3.5 of this report.

3.3 Density

The proposal is for 183 BTR apartments on a site with a nett area of c.0.61 hectares, therefore a density of c.300 units per hectare is proposed. The site is c.550m from Drumcondra Road Upper with its high frequency bus routes and c.1.24km from Drumcondra train station. The site is c.590m to Fairview Strand and the moderate frequency No. 123 while it would be c.880m to Annesley Bridge Road where there are a number of high frequency routes, including Bus Connects H spine. It would be c.1.86km from Clontarf Road dart station. In terms of proximity to the city centre the site is c.2.27km from O'Connell Street via Fairview (Luke Kelly Bridge). It is c.730m from DCU Saint Patrick's Campus, 1.77km from East Point Business Park and 2.75km from the north docklands. All of which are significant centres of education/employment. None of these distances would be considered unreasonable and even the city centre is an achievable distance for walking (35mins) and easily in range for cycling (10mins). The site is located in reasonable distance of the villages of Drumcondra and Fairview with a range of retail, recreational activities and services.

Under housing policy QHSN2 of the current Development Plan, the planning authority will have regard to various Ministerial Guidelines. Policy QHSN10 promotes sustainable densities with due consideration for design standards and the surrounding character. Further guidance regarding urban density is set out in Appendix 3 - Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City. Indicative plot ratios and site coverage percentages are listed in table 2 of this appendix. Other policies of note that address and promote apartment developments, include inter alia policies QHSN36, QHSN37, QHSN38 and QHSN39.

With regard to the location categories listed in the Development Plan, the lands are not within the defined 'inner suburbs canal belt' and to my knowledge the lands were previously zoned for Z6 (enterprise and employment) purposes. The site is not within an area forming part of a SDRA, a SDZ, Local Area Plan lands or key urban village lands. The Development Plan refers to the 'outer city' as being those newly developing areas on the fringe of the city administrative area, including Clongriffin-Belmayne, Ashtown-Pelletstown, Park West and Cherry Orchard. The appeal site would not be in a newly-developed area given the history of development in this area. The site location would not comfortably fall into any of the stated location categories in table 1 of Appendix 3 to the current Development Plan, the distance of from a public transport stops would suggest that the site falls marginally outside a 'public transport corridor', which is an area listed in Appendix 3 as being suitable for increased height and density.

Appendix 3 of the 2022 Dublin City Development Plan states that the density of a proposal should respect the existing character, context and urban form of the area and seek to protect existing residential amenity. The current proposal before the Board does not achieve this. The immediate area is defined by a broad range of residential densities, including low-density terraced housing along Richmond Road, and medium to high density apartment complexes, such as the Distillery Lofts (c.95uph) adjoining to the south and Corn Mill/The Distillery (c.158uph) located to the south on Distillery Road. I note that with the exclusion of a proposed block (c) and its associated area, net densities of c.270uph were permitted for the Esmond Avenue LRD (ABP ref. 315584-23) in 2023 (97 apartments on 0.36 hectares). The adjoining LRD development to the east (ABP ref. 317136-23-23) was granted permission for 133units on the former Layden site with a stated area of c.0.55ha, therefore a density of c.242uph. The proposed SHD which is the subject of this report has a density of c.300uph.

Overall, having regard to the provisions of the development plan, including Policy SC16 and Appendix 3, I consider the proposal to be beyond the prevailing density of the area.

The Planning Authority considered in their 2022 CE report on file given the location and context of the site that a density of 250uph is reasonably considered more appropriate for sites on Richmond Road which cannot form their own character and which accounts for the fact that the road is generally at a remove from public transport.

I addressed the proposed density in light of the Building Heights Guidelines and the Apartment Guidelines in my report dated 5th October 2022 and I do not propose to revisit them in this report. I acknowledge that the site is well placed to accommodate increased residential density residential development given its proximity to high capacity public transport, within walking distance of significant employment and within short commute (walking, cycling, Luas, bus) of a range of employment options, and within walking distance of a range of services and amenities. Notwithstanding this I draw the Board's attention to the 2024 Compact Settlement Guidelines outlined below.

The Compact Settlement Guidelines (2024) promote increased residential densities and the utilisation of a tiered approach in identifying appropriate densities for settlements, with density ranges for the city centre, urban neighbourhoods and suburbs of Dublin city set out in table 3.1 of the Guidelines. There is a general presumption in these Guidelines against net densities exceeding 300 units per hectare and such densities are only open for consideration on a plan-led basis and where the opportunity for densities and building heights greater than prevailing densities and building heights is identified in a statutory plan.

The density range suitable for a site should be considered and refined according to these Compact Settlement Guidelines, with densities at the higher end of the ranges suitable for the most central and accessible locations relative to public transport provision, including locations within 1km walking distance of an existing or planned high-capacity, urban public transport node or interchange, high-frequency commuter rail, light rail and MetroLink services, or locations within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

The Dublin City Development Plan 2022-2028 refers to the City Centre as the inner city and its immediately surrounding neighbourhoods within the canals. In this context the application site is located within the City-Urban Neighbourhoods given its location outside the Canals.

Guidance in relation to City-Urban Neighbourhoods, as is the case of the context of the proposed development at Richmond Road, Dublin 3, is set out in Section 3.3.1.

The city urban neighbourhoods category includes:

- the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses,
- strategic and sustainable development locations,
- town centres designated in a statutory development plan, and
- lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area.

These are highly accessible urban locations with good access to employment, education and institutional uses and public transport.

It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. Therefore the proposed development with a proposed density of c.300uph does not comply with the Compact Settlement Guidelines (2024) and should be refused permission accordingly.

I note that the Compact Settlement Guidelines contain a number of SSPRs which include SPPR1 (separation distances of 16m), SPPR2 (minimum private open space for houses), SPPR3 (carparking) and SPPR4 (cycle parking and storage), I am satisfied that these are broadly complied with. SPPR2 does not apply as no houses proposed as part of the scheme.

3.4 Height

The height of the proposed development ranges in height from part 6 No. to part 10 No. storeys, exploring the potential for increased height whilst being cognisant of the surrounding context of the subject site. The maximum overall heights are set out below:

- Top of Roof c.33.5m.

- Top of Parapet c.34.6m.
- Top of Lift Overrun c.34.8m.
- Top of Equipment Cabinet c.35.9m.
- Top of Dishes c.36.5m.
- Top of Antenna Ballast Mount c.37.5m.

Policies SC15 to SC17 inclusive in section 4.5.4 of the Development Plan, sets out the planning authority's strategy and criteria when considering appropriate building heights, including reference to the performance-based criteria contained in appendix 3 to the Development Plan.

Policy SC16 of the 2022 Development Plan recognises that Dublin city is fundamentally a low-rise city, but that there is scope for increased heights in locations, subject to compliance with performance criteria, principles and development standards, including those listed in appendix 3 to the Development Plan. Key criteria that all proposals for increased urban scale and height must demonstrate include those relating to the general contribution of the development to the compact urban growth principles of the NPF, access, infrastructural capacity, open space, unit mix, emergency access, ecology and site context, each of which are considered as part of this assessment. Further to this, table 3 in appendix 3 to the Development Plan sets out 46 items to be considered under ten objectives for proposals for buildings that would be higher than those in the vicinity. The stated objectives refer to urban design principles such as promoting a sense of place and addressing the site context, as well as providing appropriate legibility, continuity, enclosure of spaces, connectivity, attractive spaces, mixed uses and activities and sustainable buildings. These objectives generally overlap with criteria for the assessment of increased building heights contained in the Building Heights Guidelines and address the need to consider the layout and design of a development.

I acknowledge that the Development Plan recognises the need for increased height in locations such as Richmond Road, as demonstrated by recently permitted LRD in the immediate vicinity of the site. I have no objection in principle to increased heights

provided that proposals ensure a balance with the reasonable protection of, amongst other things, existing amenities, residential amenity and the established character of the area. While the height of buildings would be greater than those existing along the road frontage, the context of the site in terms of acceptable heights has altered in light of recently permitted LRD on the adjoining Layden site (ABP 317036-23) and at St. Vincent's Hospital site (ABP 317438-23). The Development Plan advocates that when considering building height, regard must be had to the prevailing context within which the site is located and broader consideration must also be given to potential impacts such as overlooking. In this regard, while I accept that this context provides greater scope for increased building heights in part of the site, my concerns remain regarding the relationship with the adjoining Deakin Court apartments in terms of potential detrimental impact arising from potential overlooking and overbearance.

Overall, having regard to the provisions of the development plan, including Policy SC16 and Appendix 3, I consider whilst there is opportunity for intensification and increased height in the area and that while the proposed heights are generally within the prevailing height range permitted in the area in light of LRD developments granted permission in 2023, after my original report, I consider the overall bulk, form and scale of the proposal at this location is not appropriate when viewed in the context of the existing built environment, in particular the adjoining apartment block at Deakin Court.

As highlighted in my report dated 5th October 2022, the issues of height, form, bulk of the proposal are inter-related and in effect relate to the overall scale and massing of a proposal. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the development before the Board. The closest residential properties (Deakin Court apartments to the west) have their communal amenity space located to the rear adjoining the proposed 10 storey element, to the east is the Leyden site (stated to be in the ownership of the application and will be the subject of a separate planning application for its redevelopment). Opposite the site are two/three storey units separated from the site by Richmond Road. The development is designed with the higher elements at the ends of the block (i.e. northern and southern point).

I outlined my concerns regarding the capacity of the application site to accommodate the proposed height. In my report dated 5th October 2022 and I am of the view that nothing new arising in the 2022 City Development Plan, in particular appendix 3 that would mitigate my assessment and my fundamental concerns remain that the overall height, scale and massing of the proposed development is not suitable for the proposed development, results in an overbearing development when viewed from the existing adjoining residential properties. And, notwithstanding the permitted development under ABP 312352-23 for heights ranging up to 10 storeys adjoining the site to the east directly fronting onto Richmond Road, given the context of the current site before the Board and its proximity to existing residential properties I am of the view that the cumulative impact of the proposed height, scale and massing creates an incongruous development that is overbearing and visually dominant when viewed from the adjoining residential properties, in particular Deakin Court and properties opposite the site along Richmond Road.

My concerns remain unchanged relating to the overall scale and massing of the proposed development, the siting of the blocks and the context of the application site. I consider that the proposal before me is excessive in terms of its bulk, scale and massing and does not constitute an appropriate form of development for this site and that the proposal before me represents overdevelopment of the site and requires amendment to constitute an appropriate form of development. I am of the opinion that, even in the context of the permitted development on the adjoining Leyden site, permission should be refused permission on these grounds.

3.5 Tenure

The proposed development includes 183 no. Build to Rent apartments.

The current Dublin City Development has specific policies and objective relating to BTR and has clearly identified locations where this type of residential development is considered acceptable. Section 5.5.7 and Policy QHSN40, QHSN42, QHSN42, QHSSN44 apply to BTR.

Section 15.10 sets out “Built to Rent” developments will be considered in specific locations: 1) within 500 metre walking distance of significant employment locations and 2) within 500m of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and within identified Strategic Development Regenerations Areas. There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure a sustainable mix of tenure and long-term sustainable communities, a minimum of 60% of standard designed apartments will be required in such instances. The current proposal does not comply with the provisions of QHSN40 as it is not within 500m of significant employment location or within 500m of a major public transport interchange, furthermore there is a general presumption against LSRD over 100 units with 100% BTR typology is proposed (current proposal is for a SHD of 183 BTR apartments).

The planning authority in their CE report on file, while written in light of the previous Development Plan, stated that while it considers the site to not be contiguous to public transport this is within an achievable walking distance and a dogmatic approach to Build-To-Rent of recommending only locations close to employment risks discouraging any form of residential development outside these zones

The updates of the New Apartment Guidelines dating from December 2022 onwards no longer recognise build-to-rent schemes as a distinct category in relation to residential amenity standards, although section 5.7 of the most recent 2023 version of the Guidelines acknowledge the role of build-to-rent schemes in housing supply and in promoting compact urban form. The 2023 version of the New Apartment Guidelines confirm that transitional arrangements apply for strategic housing development applications proposing build-to-rent units that were in the planning system prior to the 21st day of December 2022, providing for such applications to be subject of the provisions in the 2020 version of the New Apartment Guidelines. Given the timelines for the subject application, the standards set out in the New Apartment Guidelines dating from 2020 are applicable, including SPPRs 7 and 8, and it is these Guidelines that the Board must have regard to when decided upon the subject application, and not the 2022 or 2023 versions of the Guidelines. I am satisfied that the principle of the application in providing build-to-rent apartments on this site would not be contrary to Government guidance. The applicant has submitted a draft build-to-rent covenant with their application, in compliance with the provisions of SPPR 7(a) of the New Apartment Guidelines and a finalised covenant or legal agreement can be requested as a condition in the event of a grant of planning permission for the proposed development.

Notwithstanding restrictions set out in the DCC Plan, my assessment has regard to the 2020 Apartment Guidelines, as such I am of the view that nothing new materially arising that would impact on my assessment.

3.6 Compliance with CU025 of Dublin City Development Plan 2022-2028

Development Plan objective CU025 states that all new regeneration areas (SDRAs) or large scale development exceeding c.10000sq.m in total area must provide at a minimum for 5% community, arts and cultural space, as is the case with the proposed BTR development the subject of this report which has a total area exceeding 15000sq.m. CU025 states that both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

While I acknowledge that the proposed development at the former Laydens site (ABP 312352-23 which is stated to be phase 2 includes 17 no. artist's studios and an exhibition space in Block B as required under CU025. The proposed development does not include any cultural/arts and community uses and CU025 clearly states that large scale development exceeding c.10000sq.m in total area must provide at a minimum for 5% community, arts and cultural space for developments which the current proposal does not include, therefore I consider it to contravene CU025 of the Dublin City Development Plan 2022-2028 and permission should be refused accordingly.

3.7 Open Space

Section 15.8.6 of the Development Plan states that there is a requirement for 10% of Z10-zoned lands to be provided as meaningful public open space in development proposals. Public open space is proposed in the form of a linear riverside space which links to Deakin Court, Richmond Road and Distillery Road. A public Plaza is proposed as the main area of public open space (c.1699sq.m) located off Richmond Road which serves the dual purposes of providing an amenity area for the public, enhancing the streetscape of Richmond Road at this location. Access to the café is also off this plaza. I consider, given the context of the site, the provision of a linear riverside park that links to a proposed wider greenway, and the provision of public parks in close proximity to the site that I am satisfied with the level of public open space proposed which complies with the Development Plan requirements for Z10 lands.

3.8 Daylight/Sunlight:

Sufficient separation distances from the proposed development and the boundaries with the adjoining lands to the east would not undermine the amenities of the permitted residential units under the LRD, the stated phase 2.

Section 5.3.7 of the Compact Settlement Guidelines 2024 sets out that 'in cases where a technical assessment of daylight performance is considered by the planning authority to be necessary regard should be had to quantitative performance

approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.'

In relation to access to daylight/sunlight/overshadowing I acknowledge that an updated BS EN 17037:2018 'Daylight in Buildings' guide replaced the BS 8206-2: 2008 in May 2019 (in the UK) and an Irish Standard (IS) EN 17037:2018 has also been published. I also note that Section 5.3.7 of the Compact Settlement Guidelines 2024 sets out that 'in cases where a technical assessment of daylight performance is considered by the planning authority to be necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context.'

However, I am satisfied that these guidance documents do not have a material bearing on the outcome of my assessment contained in my report dated 5th October 2022.

3.9 Parking

71 no. car parking spaces are proposed, 49 at basement level (63 for residents and 6 for visitor) at a ratio of 0.33 car space per unit. No spaces are allocated for the café. A car club space is proposed for use by the residents. The 71 no. car parking includes 4 no. mobility impaired spaces, 1 no. car share and 8 no. EVC spaces. A serving and delivery space is also provided at basement level with a set down area at surface level in front of the café/retail unit.

The proposed scheme includes 71 no. car parking spaces, which is below the 'maximum' standard set out in the current Dublin City Development Plan. While it is noted that the quantum of car parking is below the standard set out in the plan it is my opinion that the provision of car parking to serve the development to be appropriate in promoting sustainable modes of transport, in limiting additional traffic volumes along Richmond Road, with reference to the maximum Development Plan standards, including policy SMT27 promoting a low quantum of parking in mixed-use developments, and with reference to the provisions of the New Apartment Guidelines seeking to minimise car parking provision in large scale, high-density apartment developments that are in locations well served by public transport. Having regard to the foregoing I am satisfied that the proposed development meets the requisite car parking standards.

388 no. cycle spaces and 2 no. cargo bike spaces are proposed (the TTA refers to 390 spaces (338 long-stay, 52 short-stay & 2 residential cargo bike spaces). The proposed quantum of resident cycle parking exceeds both the New Apartment Guidelines as well the Dublin City Council Development Plan requirements for cycle parking which is acceptable. The scheme includes 10 no. electric scooter storage spaces. Bicycle pump and repair stations are provided within the bicycle parking compounds which I consider acceptable. The quantum, location and type of bicycle parking provision is acceptable.

3.10 Telecommunications Equipment

I noted that documentation submitted under ABP 317136-23 noted that the preferred location would be the current SHD site. The proposed antenna equipment was omitted by condition under 317136-23.

3.11 Conclusion

I have reviewed the Dublin City Development Plan 2022-2028, in particular policies and objectives pertaining to density, building height, build to rent, daylight/sunlight and I consider that nothing new arises that would materially mitigate my assessment of the proposed development as set out in my original report dated 5th October 2022. Reference to CUO25 in the 2022 Plan and the Compact Settlement Guidelines have been set out and why the proposal does not comply with same. I refer consider that and the proposed Development should be refused for the reasons set out in my original report dated 5th October 2022 and in section 5 of this addendum report.

4.0 The Board may determine that the mitigation measures relied upon in the Natura Impact Statement, while maybe comprising best practice construction measures, may also be for the intended purpose to avoid any potential significant effects on the European sites. In order to facilitate a complete examination by the Board, the inspectorate is requested to undertake a (Stage 2) Appropriate Assessment.

4.1 Context & Background

The proposed development at Richmond Road, a residential development comprising 183 BTR apartments, works to public road, provision of cycle/pedestrian greenway and c.126m section of a flood defence wall is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

A map of fluvial flood-risk zones extracted from the Development Plan indicates that the adjoining LRD site (ABP 317136-23) is in a defended area, whereas the SHD site which is the subject of the current report and Richmond Road fronting the site is within fluvial flood zone B. The proposed development includes the construction of a new c.126 No. metre long section of flood wall to the River Tolka along the site's southern boundary. The new flood wall is positioned at the top of the existing river bank and will connect to existing constructed sections of flood wall upstream and downstream of the site. The top of the wall will be set at the required flood defence level resulting in typical wall heights of c. 1.2 to 2 metres above existing ground levels. The development will also include the repair and maintenance of the existing river wall on site adjacent to the River Tolka

An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. Included with the application, amongst other reports are an Ecological Impact Assessment with a Bat Report Study and a preliminary Construction Environmental Management Plan all of which should be read in conjunction. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used.

The AA Screening Report concluded that further assessment (stage 2) for the proposed development at 146, 148-148A Richmond Road site, was required to establish whether any likely significant effects may arise to South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka SPA and North Bull Island SPA as a result of the proposed development. The Screening conclusion outlined that this determination was reached with reference to account 'mitigation measures' or measures intended to avoid or reduce any impact on European sites.

The information contained within the submitted reports is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development. I am satisfied that the best scientific knowledge for the purpose of a screening test has been put forward in this instance.

The planning authority in their CE Report stated that they concur that no significant effects are likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network. I also note the contents of the submission received from Inland Fisheries Ireland and the DAU.

The River Tolka is of very high ecological value and its importance as a habitat corridor and for its bird, mammal and fish species is noted. I am cognisant of the fact that the South Dublin Bay Tolka Estuary SPA is the closest designated site to this development site and there is a direct pathway from the site to this designated site. Measures in relation to the protection of the River Tolka at a local level have been detailed in the submitted accompanying documents including the EclA, EIA Screening report and Preliminary CEMP and I refer the Board to same. The applicant's Appropriate Assessment Screening report described these as mitigation measures. I have examined all mitigation measures put forward in the aforementioned documents and as outlined in my screening included in my Report dated 5th October 2022 I am satisfied that the intention of the measures detailed are directed solely at protecting the fisheries value and habitat of the Tolka River at a local level species and habitat features that are not included as qualifying interest features for the downstream SPA sites and SAC sites. The submission from the Department of Housing, Local Government and Heritage in relation to nature conservation recommended that permission be granted, subject to conditions.

While I acknowledge that the purpose of these measures may have no connection with a designated site, it could be argued that it does not exclude the possibility that there may be more than one purpose for the measures and there may be some incidental protection of the designated sites. In this regard and further to the Board's Direction (BD-016142-24) dated 02/05/2024 in order to facilitate a complete examination by the Board I have been directed to undertake a (Stage 2) Appropriate Assessment.

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the site to the European Sites, and any potential pathways

which may exist from the site to a European Site. The site is not within or directly adjacent to any European Site. The site is located adjacent Tolka River which forms the southern boundary. This enters Dublin Bay c.1.4km downstream. Potential ex-situ impacts also arise regarding Lower Bellied Brent Geese given the potential for foraging on grassland in the area.

Given the results of ecological surveys and the tall building elements proposed as part of the development, the potential collision risk/obstruction of flight paths involving certain special conservation interest waterfowl species associated with South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and Baldoyle Bay SPA (i.e. Light-bellied Brent Geese and Curlew) was considered. As the proposed buildings would not wholly comprise of reflective materials and given the flight paths recorded, including recorded flights of less agile bird species at higher levels to the proposed buildings, the development is not considered to pose a significant risk of collision for birds. Bird species would adapt to the changing nature of the site and the risk of bird collisions/obstruction is negligible. On the basis of the foregoing, I conclude that the operation of the proposed development would not impact the population of birds in Baldoyle Bay or Dublin Bay and that there is no possibility of the operational of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay or Baldoyle Bay via collision / obstruction risks to birds.

| European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats) | Location Relative to the Proposed Site |
|---|--|
| <p>South Dublin Bay SAC (Site Code 000210)</p> <p>Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines ABP-310860-21 Inspector's Report Page 130 of 207 Salicornia and other annuals colonising mud and sand Embryonic shifting dunes</p> <p>Conservation Objective: To maintain the favourable conservation condition of the Annex I habitat for which the SAC has been selected.</p> | <p>c.4km to SE</p> |
| <p>North Dublin Bay SAC (Site Code 000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows Mediterranean salt meadows Embryonic shifting dunes Shifting dunes along the shoreline with white dunes Fixed coastal dunes with grey dunes Humid dune slacks Petalwort</p> <p>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</p> | <p>c.4.4km to E</p> |

| | |
|---|----------------------|
| <p>South Dublin Bay and River Tolka Estuary SPA (Site Code 004024)</p> <p>Light-bellied Brent Goose Oystercatcher Ringed Plover Grey Plover Knot Sanderling Dunlin Bar-tailed Godwit Redshank Black-headed Gull Roseate Tern Common Tern Arctic Tern Wetlands & Waterbirds Conservation Objective: To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p> | <p>c.1.4km to E</p> |
| <p>North Bull Island SPA (Site Code 004006)</p> <p>Light-bellied Brent Goose Shelduck Teal Pintail Shoveler Oystercatcher Golden Plover Grey Plover Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Turnstone Black-headed Gull Wetlands & Waterbirds Conservation Objective: To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p> | <p>c.4.4km to E</p> |
| <p>Baldoyle Bay SPA (Site Code 004016)</p> <p>Ringed Plover Shelduck Golden Plover Bar-tailed Godwit Grey Plover Light-bellied Brent Goose Wetlands and Waterbirds Conservation Objective: To maintain the favourable conservation condition of the species and wetland habitat for which the SPA has been selected.</p> | <p>c.8.7km to NE</p> |

4.2 Stage 2 – Appropriate Assessment

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interests of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) using the best scientific knowledge in the field.

All aspects of the project that could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are both considered and assessed.

The applicants AA Screening concluded that upon examination of the relevant information including in particular the nature of the potential impact pathways associated with the Proposed Development, the possibility cannot be excluded that the Proposed Development will have a likely significant effect on the European Sites of: South Dublin Bay SAC [000210], North Dublin Bay SAC [000206], South Dublin Bay and River Tolka Estuary SPA [004024] and North Bull Island SPA [004006] and that further assessment was required to establish whether any likely significant effects to the above four European Sites may arise as a result of the Proposed Development. A Natura Impact Statement submitted with the application references the above mentioned European sites.

The Construction Phase comprises:

- Demolition and removal offsite of the existing site structures
- Erection of hoarding and safe security access points
- Earthworks including excavation of soils and subsoils
- Piling and laying of foundations
- Erection of fixed and mobile cranes
- Installation of storm water attenuation infrastructure using SuDS and Green Infrastructure
- Construction of a basement sub-structure
- Construction of the max 10-storey commercial and residential blocks.
- Landscaping including: - Removal of scrub vegetation and non-native invasive flora from along Site's boundary with Tolka River and various locations within Site lands. - Native tree, hedge and shrub planting along Site's south-western, southern, northern and eastern boundaries. - Mixed landscaped paving areas across Site. - Wildflower meadow planting strips along Site's margins and Tolka River Public access gateway.

A Basement Impact Report submitted with the application assesses the effect the basement may have on the surrounding environment, both in the temporary and permanent conditions. Groundwater movement, and in particular the potential for contaminated land to become activated during excavation / construction and enter the River Tolka, is addressed in the Preliminary and Generic Quantitative Risk Assessment.

The basement construction will require a temporary secant pile wall to be installed to enable the excavation and basement structure to be constructed. Use of a standard piling rig operating no closer than 5m from the top of the slope, at the highest bank location height. The assessment submitted concluded that the slope is stable, and recommended that machinery should be kept 2m away from the top of the slope. The secant pile wall will be augured as with the foundations for the proposed development. The proposed flood wall will be sheet piled.

The construction of the basement will follow the sequence outlined below:

1. Temporary retaining wall constructed. This is expected to be a secant piled wall.
2. Excavate to basement formation level.
3. Install piles for permanent foundations.
4. Install basement internal sub-slab drainage including pumping chamber and petrol interceptor.
5. Install tanking membrane.
6. Form, fix reinforcement and cast reinforced concrete basement pilecaps and slab.
7. Erect vertical formwork, fix reinforcement and cast permanent basement walls, columns and internal walls to ground floor level.
8. Form, fix reinforcement and cast reinforced concrete ground floor slab.
9. Basement 'box' construction complete.

Any waste generated during the construction phase will be subject to best practice in managing waste. No waste shall be deposited within the site. All waste generated during the construction phase will be removed from the Site by an appropriately permitted waste collection operator and dispatched to an appropriately permitted waste recovery/disposal facility (as necessary). The removal of soils from the site will

be subject to testing to confirm its composition and to determine the appropriate treatment facility. There is the potential for contaminated soils to be encountered during excavation works at the Site. Any such materials will be excavated, stored and disposed of as per best practise guidelines.

The Operational Phase will comprise commercial and residential use and retail activities consistent with the neighbouring land use in the area.

Test of Effects & Mitigation Measures

During the construction phase there is potential for:

- Construction related surface water discharges.
- Construction related groundwater discharges.
- Spread of Invasive species during construction works.

During the operational phase there is potential for:

- Flooding events and surface water discharge.
- Groundwater leakages.

Construction Phase:

Proposed excavation and dewatering during the construction phase could potentially lead to inadvertent emissions of contaminated water containing silt, cementitious materials and/or other pollutants to the River Tolka. This could lead to a reduction in water quality within the downstream European sites of Dublin Bay, potentially affecting the distribution of SCI species listed for the relevant SPAs.

The NIS identified a potential impact on the qualifying interests of North Dublin Bay SAC, South Dublin Bay SAC, South Dublin and River Tolka SPA and Bull Island SPA, as a result of possible movement of ground water containing mobilised contaminants into the River Tolka during the basement excavation. Although unlikely to occur, this could lead to reductions in water quality within the downstream European Sites of Dublin Bay, potentially affecting the distribution of SCI species listed for the relevant SPAs.

There is a potential direct connection from parts of the subject site to waters in Dublin Bay. In the absence of specific project construction management and pollution control measures, the potential impact of the project on downstream European sites comprising North Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA, would be uncertain. Other than the immediate bay waters that the Tolka discharges into, the potential for likely significant effects on the qualifying interests of other European sites in the wider Dublin Bay catchment can be excluded given the nature and scale of the development and the distance and volume of water separating the River Tolka discharge area from European sites in the wider Dublin Bay area (dilution factor).

Section 8.2 of the NIS contain a suite of mitigation measures, which once adhered to it is considered that there will be no significant adverse impact on the conservation objective attributes of the Mud flat habitats of the North Dublin Bay SAC and South Dublin Bay Sac, or the SCIs of South Dublin Bay and River Talk SPA and Bull Island Spa as a result of constructed related surface water discharges and constructed related groundwater discharges from the proposed development.

A potential impact on the qualifying interests of North Dublin Bay SAC and South Dublin Bay SAC was identified in the NIS in the form of the potential transmission of high-impact invasive plant species Japanese Knotweed (JK) and Giant Hogweed (GH) from the Site via the River Tolka. Several stands of the above species were identified during site surveys and a treatment regime has been actioned at the Site. And once the Invasive Species Management Plan and the mitigation measures described in Section 8.1 are carried out in full by the fully licensed professionals, the risk of potential spread of invasive plant matter downstream to Dublin Bay during the Construction Phase will be reduced to negligible. All efforts will be taken to ensure that no invasive plant matter enters the Tolka waterbody for the duration of the works, and that all such matter is disposed of at an appropriately licenced waste management facility.

Operation Phase:

No significant risk of flooding will be present at the site arising from proposed design features and considerations detailed in the SSFRA submitted with the application
Flooding events and surface water discharge.

No impact or groundwater leakage is expected post construction and during operational phase.

During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through fuel interceptors and various other SUDS. 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 European sites in Dublin Bay can be excluded given the indirect and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the subject site from European sites in the Dublin Bay area (dilution factor), including the Tolka estuary.

Section 8 of the NIS contains mitigation measures which have been agreed in consultation with the Client and Design Team, with consideration given to the Invasive Alien Species Site Assessment Report & Management Plan (2021), Basement Impact Report, Ecological Impact Assessment (2021), Site Specific Flood Risk Assessment and Infrastructure Design Report submitted with the application..

Construction management measures including specific measures to prevent pollution downstream are outlined in the NIS and the pCEMP, which will ensure that there are no likely effects on the River Tolka from surface water runoff, thereby avoiding negative effects on the European sites in Dublin Bay. I am satisfied that with the implementation of the specific measures outlined in the NIS for the management of surface water, the excavation methods and the storage of fuels and

chemicals the proposed construction activity would not have likely significant effects on water quality downstream.

The evidence available provides certainty that the project would not result in pollution of water or significant adverse impacts for qualifying interests, and it can be concluded that the proposed development would not be likely to have significant adverse impacts on South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North Dublin Bay SAC and South Dublin Bay SAC, in view of the sites' conservation objectives.

Having regard to the foregoing I am satisfied that the development would not cause changes to the key indicators of conservation value, there is no potential for any adverse impacts to occur on either the habitat or the species associated with South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North Dublin Bay SAC and South Dublin Bay SAC.

Where potentially significant adverse impacts were identified, a range of mitigation and avoidance measures have been proposed to negate them. Therefore, as a result of the complete, precise and definitive findings of this Appropriate Assessment; it has been concluded beyond any reasonable scientific doubt, that the proposed development will not have any significant adverse impact on the above European Sites

In-combination Effects

Having regard to the foregoing, I consider that in-combination effects are not likely to arise for South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, North Dublin Bay SAC and South Dublin Bay SAC.

Appropriate Assessment – Conclusion

The possibility of significant effects on all European sites has been excluded on the basis of objective information provided with the application, including the Natura Impact Statement, which I consider adequate in order to carry out a Stage 2

Appropriate Assessment, and the assessment carried out above. I am satisfied that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC), or any other European site, in view of the site's Conservation Objectives.

5.0 Conclusion:

The Board received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) Residential Tenancies Act 2016. This Addendum Report should be read in conjunction with the previous report on file dated 5th October 2022.

I have considered recently permitted residential development in the immediate vicinity of the site and while I consider that whilst the proposed heights are generally within the prevailing height range permitted in the area in light of LRD developments granted permission in 2023, postdating my original report, I am of the view that, the proposed development has not demonstrated sufficient regard to the prevailing form and scale of buildings in the area. I also consider that the form, scale and design of the proposal would give rise to detrimental impacts in relation to potential impacts on adjoining built residential properties, in particular Deakin Court.

I have reviewed the Sustainable Residential Development and Compact Settlement Guidelines 2024 and conclude that the proposed density of c.300uph does not comply with the densities set out for City Urban Neighbourhoods which prescribe ranges of 50 to 250uph.

I have reviewed the Dublin City Development Plan 2022-2028, in particular policies and objectives pertaining to build to rent, daylight/sunlight and I consider that nothing new arises that would materially mitigate my assessment of the proposed development.

Having regard to the provisions of the development plan, including Policy SC16 and Appendix 3, I consider the proposal to be beyond the prevailing density of the area and therefore should be refused permission.

The proposed development contravenes CUO25 of the Dublin City Development Plan 2022-2028 which clearly state that large scale development exceeding c.10000sq.m in total area must provide at a minimum for 5% community, arts and cultural space for developments which the current proposal does not include, therefore should be refused permission on this basis.

6.0 Recommendation

Having regard to the above and to the content of my original report dated 5th October 2022 I recommend that permission be refused in accordance with Section 9(4)(d) of the Act for the reasons and considerations set out below.

7.0 Reasons and Considerations

1. Having regard to the surrounding urban structure and the disposition of the building on site, to the ~~density~~, height, form and scale of the proposed development and the separation distances to the site boundaries of adjoining properties, it is considered that the proposal does not provide an appropriate transition in height and scale or have due regard to the nature of the surrounding urban morphology. The proposed development is considered overly dominant, would have an excessive overbearing effect on adjoining property and would unduly overlook third party private open space. Furthermore, it is considered that the proposed development would have a negative impact on the development potential of adjoining property, in particular Deakin Court and properties along the northern site of Richmond Road opposite the proposed development.
2. The proposed development would feature an excessive residential density for the subject site in a city-urban neighbourhood of Dublin, which would fail to comply with the density provisions supported in policy and objective 3.1 of the

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development which exceeds 10000sq.m in total area does not include 5% for community, arts or cultural space, therefore materially contravene current Development Plan objective CUO25 which states that all new regeneration areas (SDRAs) or large scale development exceeding c.10000sq.m in total area must provide at a minimum for 5% community, arts and cultural space.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Dáire McDevitt
Senior Planning Inspector
20th May 2024