



An
Bord
Pleanála

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

Inspector's Report ABP-312447-22

Strategic Housing Development

102 Build to Rent Apartments and all associated site works.

Location

Lands adjacent to 'The Grange',
Brewery Road and Stillorgan Road,
Stillorgan, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County
Council

Applicant

KW PRS Fund 12

Prescribed Bodies

1. Transport Infrastructure Ireland (TII)
2. Irish Water (IW)
3. Department of Housing, Local
Government and Heritage
(DHLGH)

Observer(s)

1. Dr. Eleanor Hickson
2. Caroline Jolley
3. Deirdre Gilbride on behalf of the
Leopardstown & Brewery Road
Residents Association
4. Patrick & Nora Glennon
5. Michael & Róisín Sullivan
6. Katriona O'Keefe
7. Christin O'Sullivan of BKC
Solicitors on behalf of John Conway
and the Louth Environmental Group
8. Sinead and Conor McGorrian

Date of Site Inspection

6th April 2021

Inspector

Paul O'Brien

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1.0 Introduction

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 with a stated area of 1.8 hectares, comprises an irregular shaped area of land located to the south west of the N11/ Stillorgan Road (Dublin to Rosslare road) and to the south east of Brewery Road, N31, in Stillorgan, County Dublin. The area of the development site is stated to be 0.26 hectares. To the south east and south of the site is the existing mixed-use development of apartments and office and which form 'The Grange'. The overall lands of 'The Grange' are almost rectangular in shape on a south east to north west axis. The site is currently in use as a construction yard/ compound for the ongoing development of 'The Grange'.

2.2. To the south west is an area of open space. A group of four attached single-storey cottages, known as Grange Cottages, are located to the north east corner of the site. Access to these cottages is from a short cul-de-sac off Brewery Road and which is closed off from the Stillorgan Road by a line of bollards.

2.3. An off-road cycle-track is provided along the Stillorgan Road and there is also a cycle track along Brewery Road. Footpaths are also in place along the public road network.

2.4. The site is served by a number of bus routes operated by Dublin Bus and Go-Ahead Ireland. The following table details the bus routes that serve this part of Stillorgan:

Route no.	Route	Frequency
46A – Dublin Bus	Phoenix Park to Dun Laoghaire via City Centre	Peak: Every 7 to 8 minutes. Off Peak: Every 7 to 8 minutes.

47 – Dublin Bus	City Centre to Belarmine	Approximately 1 service per hour.
75/ 75A – Go-Ahead Ireland	Dun Laoghaire to The Square, Tallaght.	Every 30 minutes.
145 – Dublin Bus	Heuston to Ballywaltrim (Bray) via City Centre	Peak: Every 10 minutes Off Peak: Every 10 minutes.
155 – Dublin Bus	Ikea (Ballymun) to Bray via City Centre	Every 20 minutes.

Sandyford Luas (Green Line) stop is approximately a 1.4 km walk from the subject site.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the provision of 102 residential units in the form of studio and apartment units in a single apartment block of between 5 and 10 storeys, known as Block L of The Grange development.

The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Site Area	1.8 hectares – Total Area. 0.26 hectares – Development Area.
Demolition	None.
No. of Apartments	102

Type	3 x Studios 3% 79 x 1 bedroom 77.4% 20 x 2 bedroom 19.6%
Site Density – Overall Density (includes existing development lands)	392 units per hectare 216.1 units per hectare
Dual Aspect Units	51%
Public Open Space Provision	1,318.1 sq m consisting of: 695.5 sq m – Primary Open Space 623.6 sq m – Perimeter Open Space
Car Parking (basement level)	36 – total of 125 spaces for the overall masterplan lands.
Bicycle Parking - Basement Surface Total	175 32 207
Motorcycle Parking -	0

The proposed development includes:

- Bin storage facility at basement level in Block L – Subject site.
- Residents lounge of 92.1 sq m with direct access to the central garden area.
- New pedestrian connection between Block L and no. Grange Cottage that will traverse the permitted SHD development and will link the N11 with Leopardstown Oak Park. There is no change to the vehicular access permitted under SHD ABP Ref. 305345-19.
- New ESB substation in permitted Block Q.
- All associated site works, landscaping, and utility provision.

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

- Design Statement – O’Mahony Pike
- Statement of Consistency & Planning Report – Brock McClure
- Statement of Response to An Bord Pleanála Opinion – Brock McClure
- Response to ABP Opinion – O’Mahony Pike
- Part V Report – O’Mahony Pike
- Build to Rent Justification Report – Brock McClure
- Material Contravention Statement – Brock McClure
- Energy & Sustainability Report – O’Connor Sutton Cronin (OCSC)
- The Grange-Phase 1 Residential Lighting Analysis – O’Connor Sutton Cronin (OCSC)
- Outline Landscape Specification – Mitchell + Associates
- Landscape Planning Report – Mitchell + Associates
- Operational Waste Management Plan for A Strategic Housing Development – AWN Consulting
- Building Lifecycle Report – Aramark
- Property Management Strategy Report – Aramark
- Universal Access Statement – O’Herlihy Access Consultancy (OHAC)
- Construction Management Plan – Waterman Moylan
- Flood Risk Assessment – Waterman Moylan
- Surface Water Audit – Punch Consulting Engineers
- DMURS Statement of Consistency – Waterman Moylan
- Car Parking Strategy and Mobility Management Plan – Waterman Moylan
- Engineering Assessment Report – Waterman Moylan
- Traffic & Transport Assessment – Waterman Moylan

- Stage 1 Road Safety Audit including Cycle Audit – Bruton Consulting Engineers
- Sunlight and Daylight Access Analysis - Architectural Consultants Limited (ARC)
- Wind Desktop Study and CFD Study – B-Fluid
- Assessment of the Visual Impact on the Built Environment – ARC Architectural Consultants Limited.
- Community Infrastructure Statement – Brock McClure
- Environmental Impact Assessment Screening Report – Enviroguide Consulting
- Appropriate Assessment Screening Report – Scott Cawley
- Statement in accordance with Article 299B(1)(ii)(II)(c) of the Planning and Development Regulations 2001 as amended – Enviroguide Consulting

Note: The ‘Statement of Consistency & Planning Report’ and the ‘Material Contravention Statement’ include addendums that address the implementation of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and any changes that may impact the proposed development.

4.0 Planning History

Subject site – Northern Section:

ABP SHD Ref. 305345-19 refers to a December 2019 decision to grant permission for the demolition of existing buildings and construction of 287 no. apartments, creche and associated site works.

P.A. Ref. D03A/0750/ ABP Ref. PL06D.206308 refers to a September 2004 decision to grant permission for a mixed-use development of 501 residential units, office, nursing home, creche, retail, parking for 760 cars. The Grange (Former Esso site) Brewery Road, Stillorgan Road. A three-storey nursing was to be located within 8 m of the existing cottages to the north of the site. The roof level of the permitted nursing home was circa 13 m above the ground floor of the cottage and car parking was to be located to the south/ rear of the cottages.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place on 25th of August 2021; Reference ABP-309860-21 refers. Representatives of the prospective applicant, the Planning Authority – Dun Laoghaire-Rathdown County Council, and An Bord Pleanála attended the meeting. The scheme as described was for the development of 103 build to rent apartment and all associated site works on lands adjacent to The Grange, Brewery Road, Stillorgan, Co. Dublin.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

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

1. A detailed statement demonstrating how the proposed development ties in with the masterplan in terms of height strategy for the landholding, connectivity, and integration with the wider area, in particular with regard to stepping forward of the building line with the N11, quality of public realm and integration with the Bus Connects programme.

2. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

3. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards, planting details and delivery of connectivity to the public park to the south west. A response to the contribution suggested by the planning authority in

accordance with Section 48(2)(c) of the Planning and Development Act 2000 in lieu of public open spaces provision to upgrade public open spaces in the vicinity and to provide connectivity to the public park to the south west.

4. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.

5. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

(i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

(ii) Impact to any neighbouring properties, in particular No. 1 Grange Cottage, devoid of proposed and existing landscaping and trees.

(iii) A response to issues raised, in page 15 of the CE report, dated 29th April 2021 in particular, in relation to the proximity of Block L and Block M and potential for daylight and sunlight impact to apartment units in Block M.

6. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.

7. Childcare demand analysis by way of assessment and report on demographic profile of the wider area and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development and development of overall lands within the applicant's ownership.

8. A response to matters raised within the PA Opinion submitted to ABP on the 29th April 2021 in relation to quantum of resident services and amenities.

9. A response to issues raised in the Drainage Planning Report dated 6th April 2021, and the Transportation Planning report dated 20th April 2021, accompanying the Planning Authority Opinion submitted 29th April 2021.

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

11. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

12. A site layout plan indicating what areas, if any, are to be taken in charge by the Planning Authority.

13. The provision of a Site Specific Construction and Demolition Waste Management Plan.

5.4. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. National Transport Authority (NTA)
2. Irish Water
3. Transport Infrastructure Ireland (TII)
4. The Minister for Culture, Heritage, and the Gaeltacht
5. The Heritage Council
6. An Taisce
7. Fáilte Ireland
8. Dun Laoghaire-Rathdown County Childcare Committee

5.5. Applicant's Statement

5.5.1. A document titled 'Statement of Response to An Board Pleanála Opinion' prepared by Brock McClure was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information was provided in response to the opinion:

Item 1 – A detailed statement demonstrating how the proposed development ties in with the masterplan in terms of height strategy for the landholding, connectivity, and integration with the wider area, in particular with regard to stepping forward of the building line with the N11, quality of public realm and integration with Bus Connects:

A masterplan was submitted as part of the permitted SHD under ABP Ref. 305345-19 and which included an urban design framework for the overall landholding. A landmark building was proposed for this corner junction site of Brewery Road and the Stillorgan Road. Figure 1 in the Statement of Response provides a plan of the 'Overall Masterplan'. O'Mahony Pike Architects have provided a detailed response to the issues raised by An Bord Pleanála and following are the main, summarised, points:

Integration with Masterplan in terms of Height Strategy:

- The proposed development consists of one block (Block K) and which ranges in height from 5 to 7 to 10 storeys and which addresses the N11. Block L is designed to ensure that residential amenity is protected, ensure appropriate heights at entrance points, to create a modulated edge to Brewery Road and the N11, reduce the massing to a finer urban grain and provide for a landmark building in this location.
- Full regard is had to the development management criteria set out in the Urban Development and Building Heights Guidelines, 2018. The site is well served by public transport as it is adjacent to the Stillorgan Road/ N11 QBC, the design integrates and enhances the character and public realm of the N11, a landscape and visual impact assessment have been undertaken and the proposal seeks to

make a positive contribution to placemaking and improve the urban character of the area.

- The development is considered in the context of the scale of the city, scale of the neighbourhood and at the scale of the site/ building. The development is also considered in the context of the rest of The Grange development. Connectivity is also considered in the context of the overall development of these lands.
- A particular consideration is the relationship with no. 1 Grange Cottages, which is an end of terrace cottage – four cottage terrace, and which this unit is not in the control of the applicant.

Further details are provided by OMP architects and reference is made to Daylight/ Sunlight impacts and that the development is likely to have an ‘imperceptible’ impact on the existing cottage.

Consideration is given to the reasons as to why the development breaks the existing building line. Design reasons and high-quality urban design are some of the reasons for this. Public realm details are provided and will integrate with the existing landscaping of The Grange.

The development has been designed to have full regard to the emerging plans for Bus Connects and engagement has been had with the Dun Laoghaire-Rathdown Transportation Department. Additional bicycle parking has been proposed as a result of this engagement.

Item 2 – A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000:

Brock McClure Planning & Development Consultants have prepared a Material Contravention Statement in support of the application. This provides the basis for the contravention of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 under the following headings:

- Building Height

- Residential Mix
- Residential Density
- Tree Preservation

3. Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards, planting details and delivery of connectivity to the public park to the south west. A response to the contribution suggested by the planning authority in accordance with Section 48(2)(c) of the Planning and Development Act 2000 in lieu of public open spaces provision to upgrade public open spaces in the vicinity and to provide connectivity to the public park to the south west.

The applicant has engaged with Dun Laoghaire-Rathdown Parks Department and an agreement in relation to a financial contribution has been made to provide for connectivity to the park to the south west/ Leopardstown Oaks Park. Full details of this connection are provided by the applicant.

Full details in relation to open space requirements are provided. This proposal is only part of the larger The Grange development and for which significant areas of open space have already been provided. A total of 694.5 sq m of primary open space is proposed and 623.6 sq m of perimeter open space is proposed.

Landscaping details have also been provided.

4. A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect, single aspect north facing and which apartments exceeds the floor area by 10%.

OMP Architects have prepared a standalone Housing Quality Assessment. This demonstrates full compliance with the requirements of the 2020 Guidelines on Design Standards for New Apartments. Phase 1 delivers 51% dual aspect units – 52 out of 102 units, which clearly exceeds the minimum requirement of 33% dual aspect units.

The submitted drawings include floor plans that clearly indicate which apartments are dual/ single aspect, single aspect north facing and which units exceed the minimum required floor area by 10%.

5. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

(i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.

(ii) Impact to any neighbouring properties, in particular No. 1 Grange Cottage, devoid of proposed and existing landscaping and trees.

(iii) A response to issues raised, in page 15 of the CE report, dated 29th April 2021 in particular, in relation to the proximity of Block L and Block M and potential for daylight and sunlight impact to apartment units in Block M:

ARC Architectural Consultants Ltd have prepared a Sunlight and Daylight analysis and which addresses each of items 5 (i), (ii), (iii). The vast majority of scenarios that were tested will result in an ‘imperceptible’ or ‘slight’ impact arising from the proposed development.

6. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.

ARC Architectural Consultants Ltd have prepared a Visual Impact Assessment of the scheme and which is based on 18 no. long range views prepared by Modelworks showing the proposed development in context. A summary of the potential visual impact is provided in Table 3 – Summary of potential visual impacts in the ABP Opinion Response document.

7. Childcare demand analysis by way of assessment and report on demographic profile of the wider area and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare

places resulting from the proposed development and development of overall lands within the applicant's ownership.

A Community Infrastructure Statement has been prepared and submitted in support of this application. This document is in accordance with the Development Management Thresholds document contained in Appendix 10 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022/ Appendix 3 of the 2022 – 2028 County Development Plan.

In relation to Childcare, a facility of 658 sq m is provided in Block P of Phase 1 and this is adequate to serve the childcare needs of the entire Grange Development including the subject proposal.

8. A response to matters raised within the PA Opinion submitted to ABP on the 29th April 2021 in relation to quantum of resident services and amenities.

The proposed Block L is the next phase of development of these masterplan lands and this block is integrated with the existing phases of development/ services already provided on these lands. The applicant refers to other development by themselves and the high quality of accommodation with residential amenities that have been provided.

9. A response to issues raised in the Drainage Planning Report dated 6th April 2021, and the Transportation Planning report dated 20th April 2021, accompanying the Planning Authority Opinion submitted 29th April 2021:

Drainage information is provided in the details provided by Waterman Moylan Engineers. Details include relevant reports and plans.

Waterman Moylan have prepared a Stage 1 Road Safety Audit, which includes a pedestrian and cycle audit as requested by the Planning Authority. A Car Parking Strategy and Mobility Management Plan has also been prepared by Waterman Moylan. The proposed development is for a BTR apartment scheme and is adjacent to high quality public transport, therefore a reduced car parking provision is proposed. A total of 36 car parking spaces are proposed and an overall total of 125 car parking spaces for a total of 389 apartment units on the masterplan lands. A Construction Management Plan and Traffic Management Plan has also been prepared by Waterman Moylan.

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

Enviroguide Environmental Consultants have prepared an Environment Impact Assessment Screening Statement and this has been submitted in support of the application.

11. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020):

A life cycle report has been prepared by Aramark and is submitted in support of the application. Long term management and maintenance of the proposed development are detailed and includes materials, finishes, amenity areas, play areas and all boundary details.

12. A site layout plan indicating what areas, if any, are to be taken in charge by the Planning Authority:

A taking in charge site layout plan has been prepared by OMP Architects and has been submitted in support of the application.

13. Site Specific Construction and Demolition Waste Management Plan:

A site specific 'Construction and Demolition Waste Management Plan' has been prepared by AWN and is submitted in support of the application. This plan is submitted in accordance with relevant legislation and seeks to maximise recycling, reuse, and recovery of waste.

Conclusion:

The applicant has submitted the above details to provide the additional documentation as raised by An Bord Pleanála.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, 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”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.

- National Policy Objective 35 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

6.1.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

Dun Laoghaire-Rathdown County Council is located within the Dublin Metropolitan Area. The Metropolitan Area Strategic Plan sets out a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, including:

- Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.
- Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of ‘Bus Connects’, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

6.3. Local/ County Policy

Dun Laoghaire-Rathdown County Development Plan 2022 - 2028

6.3.1. The Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 is the current statutory plan for the Dun Laoghaire-Rathdown County area, and which includes the subject site. This plan was adopted by the elected members at a Special County Development Plan meeting held on the 10th of March 2022. The adopted Plan came into force 6 weeks after it was adopted on the 21st of April 2022.

6.3.2. The majority of the subject site is zoned with the zoning objective A which seeks ‘To provide residential development and/or protect and improve residential amenity’. A small part of the site is zoned with the objective F which seeks to ‘To preserve and provide for open space with ancillary active recreational amenities’, the subject development does not impact on this area of the site.

7.0 Third Party Observations

7.1. A total of 8 submissions were received.

Submissions were made by the Leopardstown & Brewery Road Residents Association, by BKC Solicitors on behalf of John Conway and the Louth Environmental Group, and by individual members of the public.

The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.1.1. Proposed Development:

- There is a need for houses and not apartments in the Stillorgan area.
- The development of clusters of high-rise apartments will not address the housing shortage.
- A number of the observations requested that permission be refused for this development.

7.1.2. Traffic/ Car Parking:

- The proposed development will result in increased traffic in the area, which already experiences high traffic volumes and congestion.
- Concern about the juxtaposition of the pedestrian footpath and cycle path along the N11. Concern also about increased wind impact from the proposed 11 storey building.
- There is no provision for electric vehicle charging in the car parking areas.
- Car parking provision is only 36 spaces in total or 0.35 spaces per apartment. This is considered to be inadequate for a development of 102 apartments.
- Concern that double-parking along the adjoining streets will increase.
- The proposed for a cycle/ pedestrian route through the Leopardstown Estate will add to traffic in the area.

7.1.3. Density, Design and Height:

- The development of the proposed Block L will be out of character with the existing form of units in The Grange.

- The future development of a 15-storey tower in the north east corner, which is to balance the development of this site, may never happen.
- Careful consideration needs to be taken in the development of tall buildings in established urban areas such as the subject site. Such development needs to be plan led.
- The area is predominately two-storey with only The Grange providing for taller units.
- Concern that Dun Laoghaire-Rathdown County Council and An Bord Pleanála have a policy of promoting taller buildings in the area.
- The original masterplan provided by the developer was for developments of five to six storeys with a three storey nursing homes and retail units.
- The proposed unit is to be finished in precast concrete and presents a dull unattractive finish.
- The lodging of applications has resulted in an increase in heights on this site from what was originally proposed.
- The proposed density is very high at 216.1 units per hectare, far above the 35 - 50 units per hectare in areas that are within one kilometre of existing public transport.
- The density on these lands is likely to further increase with more development into the future.
- The proposed development will have a negative impact on the visual amenity of the area and reference is made to the visual impact when viewed from Brewery Road.
- 79 of the 102 apartments, 77.4%, are one-bedroom units and are not suitable for family living. Reference is made to a guideline ratio of 40/40/20 (one, two and three bedroom units) and the observers fail to understand why the subject development is different.

7.1.4. Lack of Facilities:

- The proposed area of open space is limited to a small rectangle of lawn with some additional green space in the form of verges. Amenity lands are to be available in earlier phases of The Grange development.
- The provision of open space is insufficient to serve this development and the potential residential population of 200 people.
- The proposed development does not include the provision of suitable facilities to serve the future occupants.
- There is a shortfall of available facilities in the adjoining area.

7.1.5. Impact on Residential Amenity:

- The existing phases of The Grange development, that are in place, have a negative impact on the on the residents/ gardens of The Grange Cottages.
- Potential negative impact on No. 1 Grange Cottage, which is a single-storey unit, and which will be adjacent to an 11-storey building.
- Potential loss of light to existing houses as a result of the proposed development.
- Potential for overbearing on existing houses in the area.
- Existing residential amenity has been adversely affected by development in the area and this proposal will only add to such issues. Noise, dust, traffic, light pollution, disturbance, and nuisance were all raised as issues of concern.
- Concern about an even taller building that is proposed on the lands to the north east of the subject site.

7.1.6. Impact on the Character of the Area:

- The proposed landscaping is limited.
- A number of trees have been removed.

7.1.7. Other Comments:

- Legal issues over covenants and restrictions that apply to the development of BTR developments.

- Concern about the build to rent nature of the development, these units should be available for sale.
- Query over how many of the units in The Grange are privately owned.
- A wire mesh fence separating The Grange from Leopardstown Oaks has been vandalised on a number of occasions and is used by people to get to the park and shops in Leopardstown Gardens.
- The Grange development lands have been a construction site for a number of years and this will continue for a number of further years.
- The construction phase will give rise to environmental impacts on residents.
- Comments made about the draft Dun Laoghaire-Rathdown Development Plan.
- Submission from BKC Solicitors refers to concern about the adequacy of the application, the AA and EIA Screening and the ability of the Board to consider this development.
- The submission from BKC Solicitors refers to the draft Dublin City Development Plan and comments from the Dublin City Chief Executive with references to development in the Dublin City administrative area. The subject site is in Stillorgan which is in the Dun Laoghaire-Rathdown administrative area, and it is unclear if this submission is specific/ relevant to this site.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 8th of March 2022 and which is dated the 8th of March 2022. The report states the nature of the proposed development, background details including preplanning, site description, planning history, details of submissions/ observations, the Chief Executive's views on the proposed development, a Chief Executive's recommendation and an appendix that includes the reports from internal departments of Dun Laoghaire-Rathdown County Council.

Note: The CE report refers to policies, objectives and sections of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022.

8.2. The Chief Executive's report includes a summary (Section 4 of the CE report) of the views of the elected members of the Dundrum Area Committee Meeting held on the 2nd of February 2022, and these are outlined as follows:

- Car parking provision is very low at 0.3 spaces per unit. Interesting to see how this reduced car parking provision works for a smaller SHD scheme.
- Need for car parking spaces even if for the storage/ use of car hire/ share scheme.
- The reduced car parking provision is to be welcomed.
- Welcome given for the cycle ramp from the N11.
- Potential overlooking of no. 1 Grange Cottages from the adjacent five storey building.
- Welcome for the density considering the location of the site on the N11 and its associated high frequency public transport.
- There is a shortfall in park provision in the area.
- There should be a park within 10 to 15 minutes of the subject site.
- There is a lack of primary school places in the area.
- There needs to be a focus on sustainable development.
- The reliance on public transport gives rise to concern for the safety of future residents.

8.3. A summarised list of submission/ observation points is provided in Section 3 of the submitted CE report. In addition, comments made by Transport Infrastructure Ireland, The Department of Housing, Local Government and Heritage and Irish Water are summarised under Section 3.

8.4. The key items identified in the Planning Assessment section of the CE report are summarised under the following headings:

Principle of the development:

The site is zoned 'A' for residential development and 'F' for open space; a 102 BTR apartments are proposed on the 'A' zoned lands. Under ABP PL06D.305345, the

lands where the proposed Block L is to be located, was identified as a wildflower meadow but was indicated for further development of these lands. This area was discounted as open space in the assessment by the Planning Authority, is not considered to be 'conditioned open space' and is considered to be acceptable for development by the Planning Authority.

Application Mechanism:

The red line boundary includes land that was considered under ABP PL06D.305345/ Phase 1 and this proposal is considered to be a new development and not a revision to the previously permitted development. The Planning Authority consider that the Board should satisfy themselves that a grant of permission would be implementable in the context of the already permitted development having commenced on site.

Residential Density:

The Planning Authority refer to Policy RES3 of the county development plan and the need to strike a balance between higher density and the protection of existing residential amenity/ character of the area. Density is 216 units per hectare based on 390 units (287 units in Phase 1 and 102 units in the current proposal or phase 1a). Clarity given as to the phases and the Planning Authority refer to the subject development as Phase 1a. Considering the location of the site and availability of services and public transport, a density of development that is higher than the current pattern in the area is appropriate. Whilst the density is acceptable, there are issues in relation to heights and impact on residential/ visual amenities.

Building Heights:

The proposed building heights are considered in the context of the local policy, the Material Contravention Statement and SPPR 3 of the Urban Development and Building Height Guidelines.

Local Policy: The Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 provides a 'Building Height Strategy for the County' within Appendix 9 of the plan. Apartment or townhouse type development in established commercial developments of maximums of 3 – 4 storeys may be permitted in suitable locations such as prominent corner sites, redevelopment sites or adjacent to key public transport

nodes, subject to they not having a detrimental impact on the existing character and residential amenity of an area. Increases of 1 -2 storeys may be allowed in certain situations.

Section 3.3 of the Building Height Strategy identifies an opportunity for taller buildings along the N11 due to the width of this road at over 40 m. Junction/ corner sites are considered to be suitable for such development. Block H in phase 1 has a height of 11 storeys at the vehicular entrance onto Brewery Road. Having regard to existing development in the immediate area, there is precedent for a development of additional height along the N11 corridor.

The Planning Authority considers that 'upward modifiers' are applicable in this instance and up to 6 floors on the north-eastern elevation of the site may be acceptable. Consideration has to be had to the impact on existing residential amenity with particular reference to no. 1 Grange Cottage and the north-eastern facing units in Block M, which is considered a 'downward modifier'.

The opinion of the Planning Authority is that the design of Block L through its height and minimal separation distances relative to Block M, 1 Grange Cottage and the south east boundary of the site, combined with its massing and amenity impact on 1 Grange Cottage does not justify the height and mass and is unacceptable. The application is considered under the Urban Development and Building Height Guidelines having regard to Section 34 of the Planning and Development Act. Urban Development and Building Heights Guidelines: The Planning Authority have assessed the development in accordance with SPPR 3 of the guidelines and note Government policy to increase heights in appropriate locations with particular reference to areas with good public transport.

1. Does the proposal actively assist in securing National Planning Framework objectives...?

The site is located in the metropolitan area, outside the Stillorgan Secondary Centre Area but would fulfil targets related to infill development.

2. Is the proposal in line with the requirements of the development plan...?

The development represents a material contravention of the Development Plan, and the Planning Authority are not satisfied that the additional height can be accommodated on this site without impacting on existing residential amenity.

3. Where the relevant development plan or local area plan pre-dates these guidelines...?

The development plan (at the time the PA wrote this report) predates the Building Height Guidelines, however it is considered that the plan is suitably robust and generally aligns with the objectives of the guidelines.

Section 3.2 of the guidelines requires the applicant to demonstrate compliance with a number of listed criteria and which were considered as follows:

At the Scale of the city/ town:

- Well served by public transport: Adjoins the N11 QBC and is within 1.4 km of the Sandyford Luas Stop. Public transport is available to serve higher density development in this area, however there is concern regarding the impact on existing residential and visual amenity.
- Development of higher buildings should successfully integrate into/ enhance the character of the area.. and Development should make a positive contribution to place-making: Only part of the development makes a positive contribution to the character of the area and the western/ south-western elevations negatively impact on Block M and no. 1 Grange Cottage. The Planning Authority consider that the development fails to adequately integrate with its surroundings, and the proposed development is also considered to represent overdevelopment of the site.

At the scale of district/ neighbourhood/ street:

- Responds to its natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape: The Planning Authority consider that the development does not respond appropriately to the existing building environment and does not make a positive contribution to the urban neighbourhood or streetscape due to the insufficient separation distances

between Blocks L and M and the inappropriate transition/ breaking of building line with respect to Grange Cottage. The Planning Authority consider that the development would result in a cramped building form and a substandard form of residential amenity for occupants in Block L and have an adverse impact on adjoining residential amenity. No three-bedroom apartments are provided in the proposed development and therefore the development fails to provide for a suitable mix of unit types. The applicant has not provided a strong justification for the proposed 10 storey development.

Conclusion on the issue of heights:

The Planning Authority consider that the development is unacceptable for the reasons outlined but recommend that the height be reduced to a varied 3 to 6 floors and that the number of units be reduced from 102 to 57, a cut of 45 units. This would allow for increased separation distances, reduced overbearing and overlooking issues.

Standard of Accommodation:

The proposed development provides for 50.9% of units as dual aspect however the Planning Authority have concerns in relation to the definition of a dual aspect unit and reference a number of units that they consider to rely on the provision of a bay window. The omission of these five units would only provide 46% of the unit to be dual aspect and would fail to comply with SPPR4 of the Apartment Guidelines. All units are provided with adequate room sizes, floor to ceiling heights, storage areas and amenity spaces. SPPR8 allows for flexibility in relation to storage provision and private amenity space in the case of build to rent apartments.

Residential Amenities: A residents' lounge of 92.1 sq m and parcel collection boxes for each unit are proposed. The residents will also be able to use the amenity space and facilities provided under ABP Ref. 305345-19. The provision of amenity space and areas demonstrates compliance with SPPR7.

Daylight and Sunlight: The assessment was undertaken on a sample of rooms and the results indicate that all units will achieve average daylight factors in excess of the minimum standards set out in the BRE Guidance.

Noise: Policy ST28 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 requires that noise levels be considered in noise sensitive locations. No noise assessment has been provided, which is a serious omission considering the proximity of the site to the N11.

Design and Finishes:

The development is to use high quality materials and the Planning Authority welcomes this.

Housing Mix:

102 units are proposed in the form of:

3 x studios (2.9%)

79 x 1-bedroom units (77.4%)

20 x 2-bedroom units (19.6%)

The Planning would prefer, and encourages, a mix of unit types that includes three-bedroom units but notes that the apartment guidelines do not impose a mix of unit types in build to rent schemes. Concern is raised that 80% of the units are studios/ one-bedroom apartments. Concern is also raised that a number of units do not have separate bedrooms but rely on the ensuite facilities. The Planning Authority consider that the site has the potential to provide for three-bedroom units. Only 60 three-bedroom units are provided in The Grange development. Whilst a refusal of permission is not recommended, any revised application should address this matter.

Open Space and Public Realm:

Open Space: The development plan requires that 10% of a site be provided as open space. The apartment guidelines require a reduced area of 537 sq m of open space. The applicant has proposed 694.5 sq m of primary open space and 623.6 sq m of perimeter open space, which the Planning Authority considers to be incidental open space. It is noted that the open space exceeds the 10% and the apartment

guidelines requirements but falls short of the requirements in terms of space per bedspace and financial contribution may be levied on any shortfall.

Insufficient details have been provided to demonstrate that the open space will receive adequate sunlight and daylight and the Planning Authority advise the Board to examine this further. Open space is provided over the basement and this limits planting options in this area. There are no trees on site. All apartments are provided with adequate open space in the form of balconies.

Public Realm: The layout of the public realm is welcomed subject to verification that the necessary setbacks along the N11 for the Bus Connects project are provided. Further details are required in relation to the footpath along the N11. Concern is expressed that parts of the development are reliant on lands outside of the applicant's control and which demonstrate the proposal provide for overdevelopment of this site. A greater setback from the N11 is recommended and which should improve the animation of the street frontage. A pinch point in the eastern corner of the site demonstrates a level of overdevelopment. A reduced number of units would address these issues.

Access, Car, and Bicycle Parking:

Access is through the phase of development already permitted under ABP Ref. 305345-19. It is recommended that a condition be included that all pedestrian and cyclist entry points provide for 24-hour unimpeded access. The Planning Authority direct the Board to Appendix A and the comments of the Transportation Department report.

Car Parking: A total of 36 car parking spaces are proposed for this phase and an overall total of 125 spaces for the masterplan lands. Table 8.2.3 of the development plan requires a provision of 112 spaces for the 102 units and the apartment guidelines would generate a requirement for 102 spaces. The recommended reduction in unit would reduce the parking requirement to an acceptable level. A total of 5 spaces are proposed for car sharing and this is acceptable to the Planning Authority. Further requirements are provided in the Transportation Report

in Appendix A in relation to accessible parking spaces, motorcycle parking and visitor parking.

Cycle Parking: A total of 207 bicycle parking spaces are provided which is in excess of the development plan requirements for 123 spaces and the apartment guidelines requirements for 173 spaces. Access to the basement parking is via a 1:12 (8.33%) ramp which is not in compliance with the Planning Authority requirements for a 7% slope. Concern also about the use of stacked parking instead of Sheffield stands and the use of Council owned land for short term bicycle parking.

Surface Water Drainage and Flood Risk:

The Planning Authority refer the Board to the Drainage Section report.

Part V:

The Dun Laoghaire-Rathdown County Council have prepared a report in relation to Part V housing. 10 units are to be transferred to the Council. The Planning Authority note the requirements of the Affordable Housing Act, 2021 and they are unsure as to when the applicant acquired the subject lands.

Childcare:

A unit of 658 sq m is to be provided in Phase 1 and this is adequate to serve the proposed development and the development permitted for Phase 1.

Impacts on Residential and Visual Amenity:

The development plan requires separation distances of 22 m between opposing windows on upper floors to ensure privacy is protected. The Planning Authority have serious concerns regarding the proposed separation distances. Separation distances of only 3.4 m and 4.9 m between the proposed Block L and the permitted Block M are identified by the Planning Authority. The limited separation indicates that there is overdevelopment on this site. Concern is also raised about the impact on no. 1 Grange Cottage in terms of overlooking, overbearing, and overshadowing. The removal of units would address these raised issues.

Construction Management:

The comments of the Environmental Health Officer are provided in Appendix A of the CE report and conditions in relation to noise, vibration and dust are provided.

Building Life Cycle Report:

The submitted report is noted as is the proposed use of high-quality materials that should result in a reduction in on-going maintenance. Details of an Owners' Management Company are requested to be agreed with the Planning Authority in the event that permission is granted.

Development Contributions:

The development is subject to S.48 Development Contributions and also S.49 due to the proximity of the site to the Sandyford to Cherrywood Luas Line B1.

Taking in Charge:

The only area proposed to be taken in charge is that which is already in the control of the Local Authority and for which consent has been given to the applicant to include in their application. The Planning Authority consider that other areas could be taken in charge, and it is requested that a condition be included that ensures that the bicycle/ pedestrian access be open on a 24-hour basis.

Archaeology:

The comments of the Department of Housing, Local Government and Heritage are noted, and a suitable condition should be provided.

Appropriate Assessment and Environmental Impact Assessment:

The submitted reports are noted, and the Board are the competent authority to screen these.

Conclusion:

The site is suitable for residential development but there are concerns about the scale, massing, height of the proposed development and also concern about the limited separation distances provided between the proposed block and adjoining units. The proposed development would have a negative impact on the visual and residential amenity of the area.

The Planning Authority are not in favour of the proposed development, but conditions are provided in the event that permission is granted. Condition number 5 reduces the number of units by 45 and the height to a maximum of 6 storeys.

Internal Reports:

Environmental Health Officer: No objection subject to conditions.

Drainage Report: No objection subject to conditions. The submitted Flood Risk Assessment is considered to be acceptable.

Housing Report: Conditions recommended in the event that permission is granted for the development.

Transport Planning Report:

A number of issues are raised including car parking provision, access to bicycle parking area in the basement area, integration with bus connects, DMURS compliance and taking in charge issues were raised.

Lighting Report:

The public lighting design is not acceptable as proposed.

Parks Department Report:

A number of conditions are recommended in the event that permission is granted.

Waste Section Report:

A number of conditions are recommended in the event that permission is granted.

Financial Contributions:

A list of financial contributions is provided in the event that permission is granted.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- The Department of Housing, Local Government and Heritage
- Transport Infrastructure Ireland
- Irish Water

All three made a submission on this application.

9.2. The following is a brief summary of the issues raised.

9.2.1. The Department of Housing, Local Government and Heritage:

The department noted that the proposed development is large in scale and given its scale, it could impact on subsurface archaeological remains. In line with national policy (Section 3.6 of the Frameworks and Principles for the Protection of the Archaeological Heritage 1999), the Department recommends that an Archaeological Impact Assessment should be prepared to assess any impact on archaeological remains within the proposed development site. This assessment should be conditioned within any grant of planning and suitable conditions are provided.

9.2.2. Transport Infrastructure Ireland:

Luas, Metro and Bus Rapid Transit alignments are a matter for the NTA. The site is within the Section 49 area for a contribution for the Sandyford to Cherrywood Luas extension. The proposed development shall be undertaken in accordance with the Transport (Traffic) Assessment and Road Safety Audit.

9.2.3. Irish Water:

Irish Water have reported that a new connection to the existing network is feasible subject to upgrade works which are required to extend the length of the network by approximately 90 m. This extension is currently being constructed under Connection application CDS2000021501 and the subject development can connect to it as soon as completed.

A connection to the public wastewater system is feasible without the need for an upgrade.

Irish Water have reported no objection to the development and has requested that in the event that permission is granted that conditions be included as follows:

1. The applicant shall sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.
2. Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices must be achieved. Any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.

3. All development is to be carried out in compliance with Irish Water Standards codes and practices.

10.0 Oral Hearing Request

No requests were made.

11.0 Assessment

11.1. 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. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority, and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development
- Design and Layout
- Visual Impact and Height
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic, Parking and Access
- Infrastructure and Flood Risk
- Childcare
- Part V Social Housing Provision
- Comment on Submissions/ Observations of the Dundrum Area Committee
- Other Matters
- Material Contravention
- Appropriate Assessment (AA) Screening
- Environmental Impact Assessment (EIA)

11.2. Principle of Development

11.2.1. Having regard to the nature and scale of the proposed development, which is in the form of 102 Build To Rent (BTR) residential units, consisting of 3 x studios, 79 x one-bedroom and 20 x two-bedroom apartments, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.2. The site is located within the lands associated with The Grange development which is an existing mixed-use scheme of commercial/ office units and residential units in the form of apartments. The proposed development is a BTR scheme, and a Build-to-Rent Justification Report prepared by Brock McClure has been submitted in support of the application. The site is located in an area with a high demand for such housing.

11.2.3. **CE Report comments:** The Planning Authority consider that the site is suitable for residential development and raise no issues about the provision of an apartment only scheme. Concern is raised about the impact on the visual and residential amenity of the area. The Planning Authority raise an issue that there are no three-bedroom units proposed as part of the development of this site. These issues are addressed in detail further in this report.

11.2.4. **Conclusion on Section 11.2:** The subject site allows for residential development and the proposal would see the provision of 102 BTR apartment units in an area that is characterised by residential development, mostly in the form of apartments in the area proximate to this site. The area is served by the Stillorgan Road QBC with a very high frequency of bus service within short distance of the site. Sandyford Luas stop is within circa 1.4 km walking distance from the site. The site is suitably zoned for the development of residential units. Issues in relation to design, residential amenity, access and the impact on the character of the area are assessed further in this report.

11.3. Design and Layout:

11.3.1. The proposed development provides for a single apartment block, labelled as Block L, which provides for a mix of 5, 7, 8, and 10 storeys: a maximum

height of just under 33 m. The external treatment to consist of a mix of brick and render finish. The front elevation onto the Stillorgan Road provides a mix of 8, 10 and 5 storeys when viewed from the public street. The top floor of the 10 storey and 5 storey sections is in the form of a setback floor, reducing the bulk of the building.

11.3.2. The footprint of this block is in a reverse 'L' shape with an elevation addressing the N11/ Stillorgan Road and a projecting section on a north east to south west axis. The remaining section of the subject application site consists of a mix of communal garden and access routes from the front of the site to the lands to the rear.

11.3.3. A basement level is provided, and within which are 36 car parking spaces, 175 bicycle parking spaces, storage areas, attenuation tank (44.3 sq m) and a number of equipment rooms. A ramp is provided from ground level to this basement level primarily to allow for easy access for bicycles. A lift provides access to/ from the upper floors to the basement. The car park access is from the south west, from the approved Block M which is under construction.

11.3.4. Entrance to the building is from the Stillorgan/ north eastern side and an entrance lobby provides access to a central corridor. This corridor provides access to the ground floor apartments, lifts, and a number of stairwells. A residents' lounge with a stated floor area of 92.1 sq m is also provided on the ground floor level. The communal open space and residents' lounge are easily accessible to all future occupants of this development. It appears that two lifts are provided but only one lift serves the basement level and all upper floors.

11.3.5. In general, the layout is considered to be acceptable having regard to the fact that the residential units are located within a single apartment block and the subject application is minor in the context of the overall development of The Grange. The applicant makes clear throughout the submitted documentation that this block will integrate with the existing and any future development of these lands.

11.3.6. **CE Report comments:** The Planning Authority, through the CE Report, consider that the height of the development is excessive and is contrary to the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. The Planning Authority report that the site is suitable for a tall building having regard to the width of the N11, the pattern and form of development in the area and the availability of high

frequency/ capacity public transport along the Stillorgan Road QBC. The Planning Authority consider that a development of up to 6 storeys may be suitable on this site. No particular issues are raised in relation to the layout of the development.

Conclusion on Section 11.3: The issue of height is considered in the next and later sections of this report. I consider that the proposed layout is acceptable having regard to the limited footprint of this single block and relatively small site. The proposed development provides for an apartment block on lands which are suitably zoned, and which will integrate with the existing/ permitted development of The Grange.

11.4. Visual Impact and Height

11.4.1. As already reported, the proposed development is for a mix of 5, 7, 8 and 10 storey apartment block providing for 102 units. The external treatment is considered to be acceptable and will integrate with the existing form of development in The Grange. The visual impact is detailed in the submitted elevational drawings, the 'Design Statement' prepared by O'Mahony Pike and in the 'Assessment of the Visual Impact on the Built Environment' prepared by ARC.

11.4.2. The submitted Design Statement sets out the context of the development within the receiving environment. The section on Massing & Height (page 29 of the Design Statement) clearly indicates how the development will integrate with the existing form of development. Block M to the rear/ south west is a mix of 5 and 9 storeys in height, Block F to the south east is a mix of 6 and 8 storeys and Block J to the west is a mix of 5 and 10 storeys. Grange Cottages to the north west are only single storey units. On the opposite side of the N11 is the Beechwood Court apartment development and these are 7/8 storeys high.

11.4.3. **CE Report comments:** The Building Height Strategy is provided in Appendix 9 of the Dun Laoghaire-Rathdown County Development Plan. Section 3.3 Public Transport Corridors identifies the N11 corridor as suitable for increased heights due to the width of the corridor at over 40 metres. Section 4.8 provides the 'Policy for Residual Suburban Areas not included within Cumulative Areas of Control'. Heights are usually limited to 3 – 4 stories but an increase of up to 1 – 2 floors may be acceptable where 'upward modifiers' are acceptable. The Planning

Authority consider the adjacent Grange Cottages to be a concern and the north eastern facing units in Block M would be a ‘downward modifier’.

11.4.4. The Planning Authority note SPPR 3 of the Urban Development and Building Heights Guidelines and that government policy is to increase heights in appropriate urban locations, with a particular emphasis on locations with good public transport. In consideration of SPPR 3, the north eastern elevation could accommodate a 10-storey building but the western and south-western sides do not adequately integrate with existing development and the Planning Authority consider that the proposed development represents overdevelopment of this site.

11.4.5. **Assessment:** I note the issues raised in the CE report regarding height and overdevelopment. I am satisfied that the design of the building will integrate into its surroundings and the submitted photomontages etc. demonstrate that it provides suitable elevational treatments on all sides. Some concern was raised about the breaking of a building line and historically the nature of development along the N11 was such that building lines were set back some distance from the roadside edge. It is considered that the proposed apartment block provides for a more appropriate relationship with the roadside edge and a greater sense of enclosure than was the case in the past. I also consider that any existing building line along this stretch of road is weak and that the proposed development does not negatively impact on it.

11.4.6. The assessment of the issue of height is covered under Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018. This provides a number of considerations for developments with increased heights. In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	The site is directly served by Stillorgan Road QBC with primary services to and from the city centre by routes 46A, 145 and 155, with a combined off-peak frequency of 17 buses per hour or a bus every 3.5 minutes. The Luas

	Green line is approximately 1.4 km away at Sandyford.
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view.</p> <p>Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. • 'Design Statement' prepared by O'Mahony Pike and an 'Assessment of the Visual Impact on the Built Environment' prepared by ARC Architectural Consultants Limited, demonstrate what the visual impact of the development will be.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>The development will ensure that the streetscape is improved/ provide for a defined street line along the N11/ Stillorgan Road.</p>
At the scale of district/ neighbourhood/ street	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p>	<ul style="list-style-type: none"> • The site is part of an overall development of these lands which form 'The Grange'. The site is currently undeveloped and is in partial use as a site compound for the other phases of The Grange under construction. • No trees or natural environment worthy of retention/ augmenting.

<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • The development consists of a single block of apartments, but the height of the block varies from 5, 7, 8 and 10 storeys. The top floor is set back. • The use of a variety of material further reduces the mass of the building to an acceptable level.
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • No public spaces/ landscaping are proposed other than some planting along the N11/ Stillorgan Road. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with.
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>The proposal provides the next phase of development of The Grange. The design is of a high quality and will enhance this section of the N11/ Stillorgan Road.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>The development provides for apartments in the form of Studio/ one- and two-bedroom units. This phase of development is integrated with the existing phases of The Grange.</p>
<p>At the scale of the site/ building</p>	
<p>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.</p>	<p>As outlined in the Assessment, the development demonstrates that compliance with BRE 209 and BS2008 is generally achieved, and the amenity of existing residents and future residents is satisfactorily addressed and maintained.</p>

<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined 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'.</p>	<p>As above.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its 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.</p>	<p>As above.</p>
<p>Specific Assessment</p>	
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>In support of this application, a 'Wind Desktop Study and CFD Study' has been prepared by B-Fluid Ltd. This has been prepared to identify possible wind patterns around the subject site. In conclusion, no adverse impacts are expected from down-drafts or negative impacts to pedestrians. The proposed development benefits from the proposed landscaping of the site.</p>

In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	The development is not located in proximity to sensitive bird or bat areas, and an AA screening has been submitted that demonstrates no likely adverse impact on a protected site/ species. No bat roosts are noted on site, and no protected birds or other mammals were observed on the site.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	N/A
An assessment that the proposal maintains safe air navigation.	N/A
An urban design statement including, as appropriate, impact on the historic built environment.	N/A
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	SEA not required/ applicable. EIA and AA screening reports submitted with the application.

11.4.7. The above table demonstrates that the development complies with SPPR 3 of the 'Urban Development and Building Height' guidelines and the relevant section states as follows:

'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’.

11.4.8. National and local policy is to provide for increased heights and density on suitable sites. The above table includes appropriate considerations for such development. From the site visit it was apparent that there is a mix of building heights in the area, and this established typology of mixed heights further facilitates the heights proposed in this application. The immediate area has undergone/ continues to undergo significant development and the introduction of buildings that are taller than what was originally the character of this area.

11.4.9. The adopted Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 includes a revised Building Height Strategy in Appendix 5 and Policy Objective BHS 1- Increased Height states ‘It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3). Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria. Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area.

Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area'. The applicant has considered the performance-based criteria in Table 2 of the Statement of Consistency Addendum, and I agree with the findings that the site is suitable for increased heights.

11.4.10. The proposed development will provide for a mix of Build To Rent apartments in an area that there is a requirement for such housing types. The site is adjacent to high frequency and capacity public transport and is suitable for such development. I consider that the height is acceptable in this location having regard to the existing form and pattern of development that adjoins this site. The issue of material contravention is considered further in this report.

11.4.11. **Conclusion on Section 11.4:** The proposed development is considered to be visually acceptable and will integrate with the existing form of development in the immediate area, much of which has been constructed over the last 10 to 15 years.

11.5. Residential Amenity – Future Occupants

11.5.1. **Unit Mix:** The proposed development is for 102 BTR apartments and is summarised in the table below:

Unit Type	Studio	1 Bedroom	2 Bedroom	Total
Number of Apartments	3	79	20	102
% of Apartments	2.9%	77.5%	19.6%	100%

Full regard is had to Specific Planning Policy Requirement 1 (SPPR 1) of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' and which allows for up to 50% of units to be one-bedroom or studio type units. SPPR 8 states that there is 'No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise'. In the case of BTR developments. The proposed development is therefore acceptable in terms of the apartment guidelines.

11.5.2. **Quality of Units – Floor Area:** A ‘Housing Quality Assessment’ submitted with the application provides a detailed breakdown of each of the apartments, their floor area, room sizes and storage provision. All units meet or exceed the minimum required standards. SPPR 8 states that:

‘(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set 29 out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;

And

(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;’.

All units have adequate and accessible storage provision. 42% of units exceed the minimum required floor area by a minimum of 10%. The submitted details are considered to be acceptable.

11.5.3. **CE Report comments:** The Planning Authority were of the opinion that three-bedroom units should be provided in this development. I note these comments and whilst it would be desirable that such be provided, there is no restriction on the unit types in a BTR scheme, as outlined in SPPR8 of the apartment guidelines, which this development is described as. BTR schemes meet a particular housing need, and it may be expected that there is a transient nature to the occupation of such units. It is desirable that communities be supported, and a mix of housing types helps promote this. The nature of BTR apartment developments is such that family sized units may not be required in such proposals.

11.5.4. The Planning Authority also raised an issue that a high number of the units were only provide with en-suite rather than standalone bathrooms. This is noted, however, considering the number of bedrooms proposed, a single bathroom would generally be adequate for the residents of these units. The submitted

floorplans indicate that all units are provided with a bath, whereas in the case that an en-suite is provided in addition to the bathroom, this is only provided with a shower. The provision of a single bathroom does not demonstrate a reduced standard of residential amenity.

11.5.5. **Conclusion on Section 11.5.2 to 11.5.3:** The proposed development provides for an adequate mix of unit types in the context of it been a BTR scheme. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

11.5.6. **Quality of Units – Aspect:** A total of 52 units/ 50.9% of the units are dual aspect and this demonstrates compliance with SPPR 4 of the Apartment Guidelines.

11.5.7. **CE Report Comments:** It is considered that Apartments L01-05, L02-05, L03-05, L04-05 and L05-04 should not be considered as dual aspect units as they rely on a bay window for them to be deemed as dual aspect. I do not consider that these units have a bay window, and they can be considered to be dual aspect units.

11.5.8. **Conclusion on 11.5.5 to 11.5.6:** I have no issues in relation to the submitted plans and the provision of dual aspect units.

11.5.9. **Quality of Units – Private Amenity Space:** The apartment block units are provided with adequate private amenity space in the form of balconies/ terraces for the upper floors. Balcony/ terrace depths are between 1.5 and 1.6 m and are accessed from living room areas, which is acceptable. I note that the studio units are provided with 6.7 sq m, 7.8 sq m and 9.7 sq m of private amenity space which is a good provision for these units and provides for good residential amenity.

11.5.10. **Quality of Units – Public/ Communal Amenity Space:** A total of 694.5 sq m of open space is defined as primary open space and this will function as communal open space and which is proposed to connect into a larger area of communal open space. An additional 623.6 sq m of open space is defined as perimeter open space and which the Planning Authority classify as incidental open space.

11.5.11. The comments of the Planning Authority are noted; however, the applicant has demonstrated that adequate communal open space is proposed in accordance with the requirements of the apartment guidelines.

11.5.12. **CE Report comments:** No issues of concern were raised in relation to useability of the proposed private and communal amenity areas. A default minimum of 10% of the overall site should provide for open space and this is achieved.

11.5.13. **Conclusion on Sections 11.5:** The proposed development provides for adequate private and communal open space areas. The proposed landscaping plan indicates that the communal open space areas will integrate into open space already provided/ proposed in the earlier phases of The Grange. The submitted plans and details indicate that a large area of open space will be provided to the centre of the applicant's lands and will be enclosed by Blocks H, J, M, and the subject Block L. The incidental areas of open space provide a landscaped buffer along the edge of the site and also along the internal routes/ paths provided throughout the development lands. I have no reason to recommend to the Board that permission be refused.

11.5.14. **Daylight and Sunlight:**

11.5.15. The proposed development provides for a single apartment block but with a mix of 5, 7, 8 and 10 storeys. The adjoining area consists of the N11/ Stillorgan Road, similar apartment blocks to that of the subject site and single storey units in the form of Grange Cottages of which no.1 Grange Cottages is not in the ownership of the applicant. The applicant has engaged the services of ARC – Architectural Consultants Limited to prepare a Sunlight and Daylight Access Analysis of the proposed development.

This report considers the following:

- Assessment of the Impact of Shadows cast by the Proposed Development on Sunlight Access.
- Assessment of the Impact of the Proposed Development on Daylight Access.
- Assessment of Daylight Access within the Proposed Development.

Regard is had to the following:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

11.5.16. Table 2 of BS8206 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room.

11.5.17. The submitted assessment took the ground floor (Floor 01 on the plans) and first floor (Floor 02 on the plans) as a representative sample. The lower floors are likely to be the ones with the most obstructed daylight. Only kitchens/ dining/ living room spaces were assessed for these two floors. The assessment found that all the assessed rooms exceeded the required ADF as appropriate and were in excess of 2% in all cases.

11.5.18. As all rooms exceed the requirements, no compensatory measures were proposed. The design of the building, its orientation and the use of dual aspect units has ensured that the units will receive adequate daylight in accordance with BS8206.

11.5.19. **CE Report comment on residential amenity:** The Planning Authority through the CE report, did not raise any issues of concern in relation to the residential amenity proposed in the submitted development, other than concerns in relation to the provision of bay windows to enable units to be defined as dual aspect and they also raised a concern that no three-bedroom units were provided in the scheme.

11.5.20. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this part of Stillorgan. Room sizes, layout, and proposed amenity spaces, in terms of area, are

considered to be of a good standard. I have no issue in relation to the non-provision of three-bedroom units considering that this is a BTR development, and the number of dual aspect units is considered to be acceptable for such a scheme.

11.6. Residential Amenity – Existing/ Adjacent Residents

11.6.1. **Existing Site:** The development of any site within an established urban area will give rise to a level of nuisance and disturbance to existing residents, especially during the construction phase, such as through noise, dust and nuisance from the actual construction on site. I note the comments made in the observations in this regard, however I am satisfied that any development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the proposed scheme.

11.6.2. The applicant, through the submitted documentation, has identified potential impacts on adjoining properties including Beechwood Court, apartments located to the east of the subject site/ opposite side of the N11, the rest of The Grange development (Blocks F, H, J and M) and no.1 Grange Cottages. Beechwood Court is over 40 m from the subject site at its nearest point. No.1 Grange Cottages is circa 10.5 m from the proposed development. The adjoining cottages to no.1 are in the ownership of the applicant.

11.6.3. **Potential Overshadowing:** Table 2.1 of the ‘Sunlight and Daylight Access Analysis’ by ARC assesses the potential impact of the development on 1 Grange Cottages and on a sample number of units in Beechwood Court. Figures 2.2 to 2.4 clearly indicate the windows of these units that are assessed.

No. 1 Grange Cottages: This is a single storey end of terrace cottage located to the north west of the subject site. The occupant has made a submission opposing the development and is concerned that the proposed development will increase the percentage of overshadowing to an unacceptable level.

11.6.4. Table 2.1 considers the impact on sunlight access – Annual Probable Sunlight Hours (APSH). I have taken the information from Table 2.1 and summarised it here:

	Existing			Proposed			Reduction greater than 4% over course of the year (change as times existing value)
	Annual	Summer	Winter	Annual	Summer	Winter	
Window - Front							
GC1	14%	14%	0%	5%	5%	0%	Yes (0.36)
GC2	25%	23%	2%	13%	13%	0%	Yes (0.53)
GC3	28%	25%	4%	18%	18%	0%	Yes (0.63)
Window - Rear							
GC4	50%	44%	6%	37%	33%	4%	Yes (0.75)
GC5	17%	16%	1%	5%	5%	0%	Yes (0.29)
GC6	46%	36%	10%	43%	36%	7%	No (0.93)
GC7	57%	41%	16%	40%	32%	8%	Yes (0.51)

I note that Windows GC1 and GC6 do not achieve 25% APSH Annually and Windows GC1, GC2, GC3 and GC5 do not achieve 5% APSH in the Winter and the proposed development would result in Windows GC1 to GC3 and GC5 not achieving 25% APSH Annually and only Windows GC6 and GC7 would achieve <5% in the Winter. The assessment of the impact of the proposed development on no. 1 Grange Cottages finds that the impact varies from Moderate to Significant at the front to between Slight to Moderate/ Imperceptible to Not Significant at the rear. Windows GC4/5 serve one room and GC6/7 serve a separate room. The impact on GC4/5 is primarily from the development permitted under ABP Ref. 305345 and not the subject development. Windows GC1 to 3 lie within 90° of due north. The impact from the proposed development on the rooms to the rear of this property are unlikely to be noticeable.

11.6.5. The submitted report also considers the impact of the development on private amenity space in terms of overshadowing; assessed for the 21st of March.

The impact on this unit will be most evident in the morning and there will be no change/ impact from mid-morning on. The received sunlight will remain in excess of the minimum recommended in the BRE Guidance.

Beechwood Court: I have again considered the impact of the development on Beechwood Court as present in Table 2.1. The section of Beechwood Court in closest proximity to the subject site consists of apartment blocks and the applicant has assessed the lower three floors as a sample assessment. The annual change in APSH lies between 0.83 (Floor 01, window BC01 2) and 0.93 (Floor 01, Window BC 01 7 and Floor 02, Window BC 02 1).

11.6.6. Overall, I consider that the proposed development will have an imperceptible to not significant impact on the windows/ rooms serving the Beechwood Court apartments. I note that the submitted report indicates that the results in a number of cases are due to the design of these apartments and the positioning of their windows.

11.6.7. Impact on the rest of The Grange development: Table 2.3 'Sunlight and Daylight Access Analysis' by ARC assesses the potential impact of the proposed development on sample windows within Block F. The results find that the proposed development will not result in any change in the Annual Probable Sunlight Hours from that permitted under ABP Ref. 305345. The impact on balconies in Block F was also assessed and it was found that the proposed development would have no potential impact.

The impact on Block M, which was under construction, was also considered. A number of the rooms would see a reduction of APSH in excess of 4% over the year, however it is noted that these windows are both facing within 90° of due north. An assessment (Table 2.6) was made of the impact on the balconies within Block M and it was found that there was no potential impact on the available sunlight that these units receive.

No impact on the existing amenity areas within The Grange were expected due to the location of the proposed development in relation to these areas and that there were intervening buildings between the proposed development and the open space.

The assessment also considered the impact on the amenity areas under construction (Table 2.7). The larger of the two open spaces, Open Space 01, would receive a reduced level of sunlight on the 21st of March in the morning but at least half of the area would receive at least two hours of sunlight on the 21st of March following the completion of the development. There would be no impact to the other area of amenity lands, Open Space 02, as a result of the proposed development.

11.6.8. **Conclusion on Overshadowing:** The submitted details in the 'Sunlight and Daylight Access Analysis' prepared by ARC does not give rise to any issues of concern. The supporting shadow study clearly indicates the impact of the development on adjoining sites. No.1 Grange Cottages will only be impacted in the morning in March and September with no significant impact in the summer months. The impact on Beechwood Court would be limited to late evening in March and no significant impact in the summer months.

11.6.9. I therefore have no reason to recommend refusal of permission due to overshadowing and loss of daylight/ sunlight to existing and permitted development that adjoins the site.

11.6.10. **Potential overlooking:** Concern was raised in the third-party observations and by the Planning Authority in the CE Report in relation to potential overlooking and a consequent loss of privacy.

11.6.11. I have already commented on the layout of the site, and I am satisfied that the proposal as submitted has full regard to the potential impact on adjoining sites. No.1 Grange Cottages is circa 33 m from the north west facing balconies on Block L, where the greatest potential for overlooking arises. Overlooking from Block J, which is under construction, will be far more significant than from Block L. The design of Block L has been carefully considered to ensure that overlooking is not an issue.

11.6.12. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the existing residential amenity of the area.

11.7. Transportation, Traffic, Parking and Access

11.7.1. **Traffic:** A number of documents have been submitted in support of the application in relation to traffic and transportation as follows:

- The Grange-Phase 1 Residential Lighting Analysis – O'Connor Sutton Cronin (OCSC)
- DMURS Statement of Consistency – Waterman Moylan
- Car Parking Strategy and Mobility Management Plan – Waterman Moylan
- Engineering Assessment Report – Waterman Moylan
- Traffic & Transport Assessment – Waterman Moylan
- Stage 1 Road Safety Audit including Cycle Audit – Bruton Consulting Engineers

11.7.2. No new vehicular access is proposed to serve this development as it is proposed to use the permitted access from Brewery Road as permitted under ABP Ref. 305345-19. As this access has already been permitted, there is no objection or concerns about its use. The proposed development provides for 36 no. car parking spaces and combined with the permitted development, a total of 123 car parking spaces are to be provided to serve 389 units. A new pedestrian access is to be provided from the N11/ Stillorgan Road and which will traverse the site. The Planning Authority request that the link be full completed to allow for access to Leopardstown Oak Park to the south west of the overall The Grange development.

11.7.3. The 'Traffic & Transport Assessment' by Waterman Moylan considered the impact on a number of junctions in the area and these were found to be acceptable. A 'DMURS Compliance Statement' is also submitted in support of this development.

11.7.4. In relation to the submitted taken in charge details, areas that are currently in the control of the Local Authority are indicated to be included in the areas to be taken in charge.

11.7.5. **CE Report comment:** The Planning Authority through the Transportation Department raised some concern about the taken in charge issue, though these may be addressed by way of condition. The requirements of the 'DMURS Compliance Statement' should be conditioned in the event that permission

is granted for this development. Comment was made that no noise assessment was provided with the application, and which is considered important having regard to the proximity of the development to the N11.

11.7.6. **Conclusion:** As the car park entrance is already provided for and no new vehicular accessed onto the public road network are proposed, it is considered that there are no issues in relation to impact on traffic safety or movement on the N11 and Brewery Road and the submitted Traffic & Transport Assessment by Waterman Moylan does not give rise to any issues of concern.

11.7.7. I note the comments in relation to the areas of land to be taken in charge and this can be addressed by way of condition in the event that permission is granted for this development. Similarly, a noise assessment can be conditioned that identifies the need/ scope of noise insulation for the proposed development. 'Policy Objective T27' of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 states 'It is a Policy Objective to ensure that traffic noise levels are considered as part of new developments along major roads/rail lines in accordance with best practice guidelines'. It is therefore considered that suitable measures in the form of a condition be provided.

11.7.8. **Public Transport:** The existing public transport service is primarily in the form of the bus service that operates along the N11 Stillorgan Road. I have already detailed the service provision and it can be considered to be of a good quality with a high frequency and capacity. Services connect the site with the City Centre, Heuston Station, Phoenix Park, Ballymun/ Ikea, Dun Laoghaire and Bray/ north County Wicklow. The 75 provides an orbital service from Dun Laoghaire to Tallaght. The range of destinations demonstrates that the site is accessible to/ from a number of locations.

11.7.9. **CE Report comment:** The Planning Authority through the Transportation Department referred to the proposed Bus Connects scheme along the N11 and the proposed development would have to take account of the requirements of this.

11.7.10. **Conclusion:** I am satisfied that the public transport is of a suitably high quality along the N11/ Stillorgan Road, and which serves this development site. The comments made in relation to Bus Connects are noted and can be conditioned.

The applicant is aware of the needs of the Bus Connects project. I note from my site visit, that bus lanes and cycle tracks are available to the front of the site along the N11.

11.7.11. **Car Parking:** A total of 36 car parking spaces at basement level are to be provided with access from the already permitted development under ABP Ref. 305345-19. The applicant has provided a detailed justification for this car parking provision in the 'Car Parking Strategy and Mobility Management Plan' prepared by Waterman Moylan.

11.7.12. In summary, a total of 33 spaces will be provided to serve this development and 3 additional spaces to make up for spaces lost in order to provide a ramp connecting this development to the permitted development under ABP Ref. 305345-19. Car parking provision is on the basis of 0.32 spaces per apartment which is similar to that provided on approved sites, the area is well served by public transport and the developer owns/ controls 275 car parking spaces on the adjoining lands of which 100 are not used/ are vacant. A car rental scheme through Go-Car is to be operated on site and a mobility management plan will be put in place.

11.7.13. The applicant refers to Specific Planning Policy Requirement 8: For proposals that qualify as specific BTR development and which states:

'(iii) There shall be a default minimal or slightly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures'.

11.7.14. **CE Report comment:** The Planning Authority through the Transportation Department consider that a minimum of 102 car parking spaces should be provided, one per unit. Welcome is made for car sharing, 10% of spaces shall provide for electric vehicles and 10% of spaces should be allocated to visitor parking. Motorcycle parking shall be on the basis of 4% of the car parking provision. As already reported, the Planning Authority have recommended that the number of apartments be reduced to 57 units and on that basis, they consider the proposed car parking to be acceptable.

11.7.15. **Assessment of proposed Car Parking:** BTR apartment schemes are a particular type of housing that facilitate residents with short to medium term needs. I note the comments of the Planning Authority through the CE report and I also note the comments regarding car parking requirements in the area. The Planning Authority rely on the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022. I note the requirements of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and in particular the following:

‘5.4.1 Policy Objective T1: Integration of Land Use and Transport Policies It is a Policy Objective to actively support sustainable modes of transport and ensure that land use and zoning are aligned with the provision and development of high quality public transport systems. (Consistent with NSO 1, NPO 26 of the NPF, 64, RPO 4.40, 5.3, 8.1 and Guiding Principles on Integration of Land Use and Transport of the RSES)’

‘5.7.4 Policy Objective T19: Carparking Standards It is a Policy Objective to manage carparking as part of the overall strategic transport needs of the County in accordance with the parking standards set out in Section 12.4.5’.

The following development plan text is also relevant:

‘Zone 1 covers the two Major Town Centres of Dun Laoghaire and Dundrum plus Blackrock District Centre. Zone 2 covers additional areas that are well served by public transport (see Section 12.4.5.1 for detailed parameters pertaining to Zone 2). Zone 3 includes the remaining built-up areas of the County whilst Zone 4 is the rural area. While a maximum standard is provided for non-residential uses (destination parking), the Planning Authority - in recognition of the fact that car usage may be required for non-peak hour trips, resulting in the need for car storage – have retained a standard for residential car parking in areas outside of Zone 1’.

Section 12.4.5 of the plan provides ‘Car Parking Standards’. The subject site is within Parking Zone 2 – ‘10 minute walk of the proposed CBC 13 (Core Bus Corridor) from DCC boundary along the N11 to Kill Lane’ and which requires ‘Within parking zone 2 maximum standards shall apply for all uses except for residential where the standard is required. For residential uses reduced provision may be acceptable dependent on criteria set out in Section 12.4.5.2 below’.

11.7.16. Under 12.4.5.2 the following is stated:

'In certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria. In all instances, where a deviation from the maximum or standard specified in Table 12.5 is being proposed, the level of parking permitted and the acceptability of proposals, will be decided at the discretion of the Planning Authority, having regard to criteria as set out below:

(i) Assessment Criteria for deviation from Car Parking Standards (set out in Table 12.5)

- Proximity to public transport services and level of service and interchange available.
- Walking and cycling accessibility/permeability and any improvement to same.
- The need to safeguard investment in sustainable transport and encourage a modal shift.
- Availability of car sharing and bike / e-bike sharing facilities.
- Existing availability of parking and its potential for dual use.
- Particular nature, scale and characteristics of the proposed development (as noted above deviations may be more appropriate for smaller infill proposals).
- The range of services available within the area.
- Impact on traffic safety and the amenities of the area.
- Capacity of the surrounding road network.
- Urban design, regeneration and civic benefits including street vibrancy.
- Robustness of Mobility Management Plan to support the development.
- The availability of on street parking controls in the immediate vicinity.
- Any specific sustainability measures being implemented including but not limited to:
 - The provision of bespoke public transport services.

- The provision of bespoke mobility interventions’.

11.7.17. Section 12.4.5.6 refers to Residential Parking and the following is relevant:

‘For the purposes of the parking standards set out in Table 12.5 below Built to Rent development are considered to be residential apartments. Where a Built to Rent scheme avails of lower car parking based on the nature of the use a condition should be attached to any grant of permission to state that planning permission shall be sought for a change of tenure to another tenure model following the period specified in the covenant.

For apartment developments, car parking spaces should be allocated to residential units and visitor car parking. All visitor car parking is to be for short term use and not to be used by residents. Car parking shall be managed as such by a management company. For apartment developments car parking spaces associated with residential units must be sold in conjunction with the units and not sold separately, or let, to avoid take-up by non-residents and will be conditioned as such in the development management process’. Table 12.5 – Car Parking Zones and Standards requires a parking standard of one space per one bedroom and two bedroom units.

11.7.18. I am satisfied that the proposed development can operate on the basis of a reduced car parking provision. SPPR 8 allows for a reduced car parking provision and the proximity of the site to the N11 QBC supports such a proposal. The site is located adjacent to one of the best served bus corridors in the country and there is an appropriate opportunity to provide for reduced car parking on this site. The applicant has considered the car parking provision in the Statement of Consistency Addendum – section 2.1.3 Car Parking and I consider the submitted details to be acceptable.

11.7.19. In addition to the availability of high frequency/ capacity bus services, the site is within walking distance of the Luas Green Line and provision is also made for cyclists along the road network.

11.7.20. **Conclusion on Car Parking:** I therefore have no objection to the proposed car parking provision, and I have no reason to recommend refusal on the basis of the development providing for 36 car parking spaces for 102 apartment

units. The proposed development is for a BTR scheme and is suitable for the promotion of the use of sustainable forms of transport over the use of cars.

11.7.21. **Cycle Provision:** The applicant has proposed the provision of 175 bicycle parking spaces in the basement and a further 32 places at surface level. Surface level parking is to be in the form of Sheffield stands and a mix of Sheffield stands, and semi-vertical bicycle racks are to be provided in the basement. As stated, bicycle lanes are provided along the Stillorgan Road and there is also provision along Brewery Road.

11.7.22. A ramp is proposed from the N11/ Stillorgan Road into the basement for cyclists to access the parking area.

11.7.23. **CE Report:** The provision of 207 parking spaces is in excess of the development plan requirements for 123 spaces and the apartment guidelines requirements for 173 spaces. The bicycle parking provision is welcomed by the Planning Authority.

11.7.24. Concern is expressed about the gradient of the cycle ramp at 1.12 (8.33%) when the requirements are for a maximum gradient of 7%. Concern is also expressed about the use of stacked parking and the provision of parking on Council owned lands along the N11.

11.7.25. **Conclusion on Bicycle Parking:** I note the comments made by the Planning Authority. It should be possible to reduce the gradient of the proposed ramp, this may require a modification of its route, removal of a car parking space and revised entrance arrangement, but I consider that this matter can be adequately addressed. Considering the significant over provision of bicycle parking spaces, more than adequate spaces are available and it is to be expected that not of the apartment units will use a bicycle parking space.

11.7.26. I am satisfied that any issues of concern can be addressed by way of condition, and I have no reason to recommend that permission be refused on the basis of the proposed bicycle parking.

11.7.27. **Public Lighting:** I note the report of the Lighting Section of Dun Laoghaire-Rathdown County Council and I have no concerns regarding the provision of a suitable network to serve the subject site.

11.7.28. **Conclusion on Transportation, Traffic, Parking and Access:** I am satisfied that adequate car parking is provided to serve this development having regard to its location, availability of public transport, the nature of the development and the high-quality bicycle provision in terms of access and parking spaces. I have no reason to recommend refusal on the basis of transportation, traffic, parking and access.

11.8. Infrastructure and Flood Risk

11.8.1. **Water Supply and Foul Drainage:** Full details of the water supply, foul drainage and surface water drainage serving this site are provided in the Infrastructure Report prepared by Waterman Moylan and supported by the Stage 1 Surface Water Audit prepared by Punch Consulting Engineers. I have had full regard to these reports and the associated drawings in relation to these aspects of the development.

11.8.2. There is an existing 225 diameter foul sewer along the Stillorgan Road, and it is proposed to connect the development into this sewer via a new connection and to drain by gravity. Irish Water have reported that the connection is feasible without any need for upgrades.

11.8.3. There is an existing 220 mm diameter watermain along the Stillorgan Road, and the applicant proposes to connect to the development to this. Irish Water have reported that upgrade works would be required to extend the network by approximately 90 m to facilitate this connection. Work was underway at the time of the Irish Water report and that the development could connect to the public system on completion of these works.

11.8.4. **Surface Water Drainage:** Full details of the proposed surface water drainage system are provided in the Waterman Moylan report. There is an existing 225 mm diameter surface water sewer along the Stillorgan Road, and it is proposed that surface water will be attenuated on site before connection is made to the public system. Suitable SuDS measures are incorporated into the design of this development and include Green Roofs and filter drains as well as an attenuation tank in the basement car park. Full details of the different SuDS measures and maintenance processes are provided in the Waterman Moylan report.

11.8.5. The Dun Laoghaire-Rathdown Drainage Department have reported no objection to the proposed surface water drainage system subject to conditions.

11.8.6. **Flood Risk:** A 'Site-Specific Flood Risk Assessment' – has been prepared by Waterman Moylan and is included with the application. There are no waterbodies within, or which border the subject site. The site comprises of an area of 1.8 hectares of which 50% is hardstanding. Full regard was had to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (Guidelines, 2009).

11.8.7. The assessment considered all relevant types of flooding as follows:

- Tidal Flood Risk: The Irish Sea is approximately 2.5 km to the east of the subject site, and there is no coastal flooding indicated on the OPW mapping system, there is no risk from tidal flooding of this site.
- Fluvial Flood Risk: There are no significant watercourses within or adjoining the subject site. The levels at the entrance to The Grange prevent water from entering the site. The proposed apartment block will have a finished floor level (FFL) of 71.5 m OD which is circa 8.2 m above any flood levels indicated in the Flood Extents Map. A small part of the site along Brewery Road is in Flood Zone A and the Flood Zone B, however the road levels at the entrance to the site are designed to prevent water entering. This risk from fluvial flooding is therefore considered to be very low and no flood mitigation measures need be considered.
- Pluvial Flood Risk: There is no record of sewer flooding events in the immediate vicinity of the site. The existing drainage system consists of separate foul and surface water drainage systems. On-site surface water drains are designed to accommodate flows from a five-year return event, and which indicates that the internal system may surcharge during rainfall events. On site attenuation systems are designed for 1 in 100-year storm events, plus a 20% allowance for climate change. The residual risk is therefore considered to be low.

The subject site is already 50% covered in hardstanding. The proposed development will increase the permeable area through the introduction of green-roofs and podium areas. Other measures will be taken to ensure that impacts on the local drainage network are reduced. Flood events along Brewery Road have been identified though these were in 1963 and no similar issues have arisen

since. The subject site is at a higher level than Brewery Road and there is a low likelihood of flooding from surrounding areas.

- Groundwater Flooding: A site investigation found there to be a risk of flooding from groundwater, if not dealt with correctly. To mitigate against the risk of groundwater entering the basement, the basement wall/ slab should be appropriately sealed to prevent the ingress of groundwater. Once suitable measures are put in place there is a low residual risk of flooding from groundwater.

A Sequential Test was undertaken, and the subject site was found to be located in Flood Zone C and the site is found to be at a low risk of flooding from all sources. The proposed development is considered to be an appropriate use of this site. Full regard has been had to climate change in the proposed development.

11.8.8. The submitted report raises no issues of concern. I am satisfied that that the proposed development provides for

11.8.9. The CE report does not raise any concerns about the proposed drainage of the site and the submitted flood risk assessment is considered to be acceptable.

11.8.10. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. As noted, infrastructure is in place to serve this site and existing development. There is no concern regarding the potential for flooding of this site or to cause flooding on adjacent lands.

11.9. **Childcare**

11.9.1. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' is for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.

11.9.2. The proposed development is for 102 units, consisting of a mix of studios, one bedroom and two-bedroom units. The applicant has identified that a

childcare facility of 658 sq m is permitted in Block P, which forms parts of the development permitted under ABP Ref. 304345-19 and that this has adequate capacity to facilitate the proposed development.

11.9.3. **Comments of the Planning Authority:** The Planning Authority comment that the permitted childcare provision is adequate to serve the subject development.

11.9.4. **Conclusion:** The applicant has provided adequate details on the provision of childcare, which will serve the residents of this development. I am satisfied that childcare provision is adequately addressed by the applicant in relation to this development.

11.10. Part V Social Housing Provision

11.10.1. A Part V Proposal has been provided in the form of a 'Part V Report' prepared by OMP Architects and supported by relevant floor plan – drawing no. 1818A-OMP-1A-01-DR-A-1051. A total of 10 units are to be provided, all of which are located on Level 1. These are in the form of eight no. one bedroom units and two no. two bedroom units.

11.10.2. The Dun Laoghaire-Rathdown County Council Housing Department note the submitted details and consider that final details can be agreed by way of condition.

11.10.3. I note the 'Housing for All Plan' and the associated 'Affordable Housing Act, 2021' which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board decides to grant planning permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

11.10.4. **Conclusion:** I note the comments of the Planning Authority and the supporting report from the Housing Department. I am satisfied that the applicant can provide for adequate Part V housing in accordance with the requirements for such

housing and this may be agreed by way of condition in the event that permission is to be granted for this development.

11.11. Comment on Submission/ Observations of the Dundrum Area Committee

11.11.1. The views of the elected members were submitted alongside and included in the CE report. The submitted comments are generally similar to those raised by third parties.

11.11.2. Car parking was raised as an issue and there was a difference of opinion in relation to the provision been too low or been acceptable. This issue has been addressed already in this report. I note again the nature of the development and the availability of high frequency and capacity public transport along the N11/ Stillorgan Road.

11.11.3. The impact on existing residential amenity was raised in terms of height and overlooking. These issues have been addressed already in this report. I am satisfied that the proposed development will not give rise to excessive overlooking that leads to a loss of privacy.

11.11.4. Welcome was given for the density of development, having regard to the proximity of the scheme to the N11/ Stillorgan Road QBC. I note the issues raised in relation to safety and use of public transport, this is not a planning issue and I do not foresee what impact the proposed development has on such an issue.

11.11.5. A number of other issues were raised including the need for more parks in the area. This is noted and I consider this to be primarily an issue for the Local Authority to identify if a need exists and if so, to identify a means of financing the provision of such parks. I note that there is no change in the general terms of the zoning objective for this site, under the adopted 2022 – 2028 county development plan, which remains zoned for residential development. Comment was made about the lack of school places in the area; considering the nature of development, it is unlikely that the proposed development would give rise to any significant impact on school place provision.

11.11.6. I have considered all of the issues raised by the Dundrum Area Committee and I am satisfied that these issues have been addressed in the assessment of this report as relevant to planning.

Other Matters

11.11.7. **Building Life Cycle Report:** This has been prepared by Aramark and provides a generic overview of the lifecycle and maintenance works required for the proposed units. Internal and external elements are considered in this report.

11.11.8. **Wind Desktop Study and CFD Study:** This study was prepared by B-Fluid in order to assess the possible wind patterns around the subject site. In conclusion the study found that the development was well designed for its intended use, it does not introduce any significant impacts on the surrounding areas and on the existing buildings adjoining the subject site. The proposed development includes suitable landscaping, and the design is such that no down-draft effects are expected. The submitted details are considered to be acceptable.

11.11.9. **Energy & Sustainability:** An Energy & Sustainability Report has been prepared by O'Connor Sutton Cronin Engineers (OCSC) in support of the application. A Building Energy Rating (BER) of A2/A3 has been targeted for this development. Full details of the proposed power, heating, insulation, and ventilation of these residential units is provided. Sustainability is promoted through the availability of public transport and cycle lanes and also a car share scheme is to be set up on site. The submitted details are considered to be acceptable.

11.11.10. **Landscaping:** Suitable landscaping details are provided in support of this development. Mitchell + Associates have prepared an Outline Landscape Specification and a Landscape Planning Report, and these are noted. The proposed landscaping will help integrate the proposed development with the already permitted phases of The Grange and also will integrate the development with the surrounding area.

Archaeology: The Department of Housing, Local Government and Heritage reported that the proposed development is large in scale and given its scale, it could impact on subsurface archaeological remains. In line with national policy the Department recommends that an Archaeological Impact Assessment should be prepared to assess any impact on archaeological remains within the proposed

development site. This report is noted and the recommendations can be provided by condition.

11.12. Material Contravention

11.12.1. The applicant has submitted a 'Material Contravention Statement' of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b).

There are four issues raised in the applicant's Material Contravention statement:

- The building height at 5 to 10 storeys exceeds the 3 – 4 storey maximum height
- The Mix of Units – In schemes of over 30 units, the mix should comprise of no more than 20% one-bedroom units and a minimum of 20% of the units should be over 80 sq m.
- The Residential Density should be in the region of 35 – 50 units per hectare.
- Trees – There is an objective on this site to preserve trees.

Dun Laoghaire-Rathdown County Council adopted a new county development in March 2022 and the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 came into effect on the 21st of April 2022. This plan will be the one that is considered in the assessment of this development. The applicant has provided a Material Contravention Addendum document that considers the proposed development against this plan. In this case three issues are raised:

- Building Height Strategy
- Residential Size and Mix
- Residential Density

The applicant provides a justification for the proposed development and refers to National, Regional and Local Guidance throughout this document.

The following is noted:

'The Minister of State at the Department of the Housing, Local Government and Heritage, consequent to a recommendation made to him by the Office of the

Planning Regulator under section 31AM(8) of the Planning and Development Act 2000 (as amended), has notified Dún Laoghaire-Rathdown County Council of his intention to issue a Direction to the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

In accordance with Section 31(4) of the Planning and Development Act 2000, those parts of the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028 referred to in the notice shall be taken not to have not come into effect, been made or amended; namely:

- The 0/0 zone objective “No increase in the number of buildings permissible” as set out on Land Use Zoning Maps 3, 4, 7 and 10.
- The policy section on ‘Notable Character Area Exclusions’ under section 4.3.1.1 of Chapter 4 (pg. 84) of the Written Statement.
- Section 12.3.7.8 ‘0/0 Zone’ of Chapter 12 (pg. 246-248) of the Written Statement.
- The second paragraph of Section 12.3.3 ‘Quantitative Standards for All Residential Development’ of Chapter 12 (pg. 236) of the Written Statement, which states: “That the requirement for certain percentages of 3-bed units in apartments shall apply to Build To Rent developments to accord with mix on page 237”

Submissions or observations in respect of the Draft Direction may be made to the Planning Authority during the consultation period which runs from 21st April 2022 to 4th May 2022’.

In the context of this proposed development, the last point is of relevance.

11.12.2. **Building Height Strategy:** Appendix 5 sets out the Building Height Strategy for Dun Laoghaire-Rathdown. Section 1.4.2 provides a requirement for Planning Authorities to have regard to the ‘Urban Development and Building Heights, Guidelines for Planning Authorities’ in accordance with Section 28 of the Planning and Development Act. Section 2.7 calls for County Development Plans to be more “proactive and more flexible in securing compact urban growth through a combination of both facilitating increased densities and building Heights, while also

being mindful of the quality of development and balancing amenity and environmental considerations”. Other guidelines to be considered include:

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, 2018.
- Design Manual for Urban Roads and Streets (DMURS), 2019.
- Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2019.

11.12.3. Section 2.2 of the Building Heights Strategy, outlines ‘Arguments FOR Higher Buildings and Tall Buildings’. In the case of ‘Tall Buildings along Major Transit Corridors’, the following is stated:

‘Major corridors function as key access and transit corridors. Thus, buildings along major corridors have a disproportionately strong presence. Tall buildings are often located along major corridors for reasons of accessibility or prestige. Such buildings can help the legibility of the city by expressing the hierarchy of the street, marking specific points and dividing the corridor into recognisable segments. Nevertheless, the hierarchy of a corridor may also be emphasised through other means than height, such as quality building or public space design’.

11.12.4. Section 3 outlines ‘Building Heights in Dun Laoghaire-Rathdown’ and Section 3.5 refers to ‘Public Transport Corridors’ and which states:

‘The N11, owing to its width, strategic importance, and public transport facilities, has the potential to become an attractive urban corridor enclosed by taller buildings of high quality, at locations which are also proximate to social and community infrastructure.

The N11 corridor has seen a pattern of taller apartment schemes constructed at key corner sites along its route through the County. As such schemes are restricted from taking access directly from the N11, corner sites at junctions between the N11 and the larger side roads have been the most common location for intensification of development. These developments have tended to range from 3 to 7 storeys. The width of the corridor, at over 40 metres, provides an opportunity for taller buildings to enclose this space.

The higher residential densities that have been realised in this area over the last 15 years were as a result of policies in successive County Development Plans since 2004 which promoted higher densities within a 500 metre catchment of a QBC and also the current building heights strategy which allow for increased height where a number of upward modifiers are met’.

11.12.5. Section 4 provides the ‘Policy Approach’ and the following are noted:

‘Policy Objective BHS 1- Increased Height. It is a policy objective to support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area. (NP0 35, SPPR 1& 3). Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance based criteria set out in table 5.1 which is contained in section 5. The onus will be on the applicant to demonstrate compliance with the criteria. Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area’.

The following paragraph is also relevant:

‘It should be noted that there are a number of existing bus lanes in the County which afford some localised bus priority, however following the adoption of the Bus Connects Network Redesign they are no longer part of an overall bus priority network. In this regard higher densities can be justified along the proposed Core Bus Corridor routes (existing QBCs on N11 and Rock Road) and the Kill Lane/Avenue

Mounttown route (Bus Priority Route), which is a strategic bus link between Dún Laoghaire and the N11 and along which, sections of bus lanes are already in place’.

11.12.6. Section 5 provides a list of Performance-Based Criteria for increased height and the proposed development has been compared with each of these criteria.

11.12.7. The submitted Material Contravention addendum statement has considered the adopted Building Height Strategy in full, in addition to having full regard to national guidance as already listed in this section of my report. The Building Height Strategy in the new development plan is less restrictive than that in the previous plan as it has full regard to the ‘Urban Development and Building Heights’ guidelines. Increased height is considered to be acceptable along Major Transport Corridors/ Public Transport Corridors and the N11 is specifically referenced in Section 3.5. The Grange is referenced on Figure 18 – ‘N11 Corridor – Buildings Taller than 5 Storeys’.

11.12.8. Having Regard to ‘Policy Objective BHS 1 – Increased Height’, the site is within 1000 metres of a Core/ Quality Bus Corridor. I note the proximity of the development to single storey cottages, however it has been identified that privacy and daylight will not be adversely affected by this development. The applicant has set out the ‘Performance Based Criteria’ in Table 1 of their Material Contravention addendum and this is considered to be acceptable.

11.12.9. The subject site is therefore considered to be suitable for increased heights having regard to national guidance and is identified in the county development plan as a site that is suitable for such development.

11.12.10. **Assessment:** I have considered the issue raised in the applicant’s submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028.

11.12.11. The proposed development provides for an apartment block of 5 to 10 storeys, providing for 102 BTR apartments. The site is located adjacent to a Core/ Quality Bus Corridor, is in an area with similar development and has regard to existing residential amenity and the established character of the area.

11.12.12. **Residential Size and Mix:** Section 12.3.3.1 sets out ‘Residential Size and Mix’ in the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and the following is relevant:

‘In order to demonstrate compliance with Policy Objective PHP27 and based on the findings of the Housing Strategy and HNDA, planning applications received for 50+ residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety and choice of housing units by type and size so as to meet the differing household need in the County’ and planning applications shall include:

- ‘Details of existing and permitted unit types within a 10-minute walk of the proposed development.
- A detailed breakdown of the proposed unit type and size including a percentage split between 1/2/3+ bed units which in the case of apartments (and duplexes) shall generally be in accordance with Table 12.1.
- A site and/or floor plans that clearly identify proposed units that:
 - Are designed and located having regard to the needs of older people and/or persons with a disability.
 - Are designed having regard to the concept of lifetime adaptable and/or multi-generational homes.
- A statement outlining how the scheme has been designed for the needs of older people and / or persons with a disability and / or lifetime homes.
- No more than 10% of the total number of units in any private residential development may comprise of two-bedroom three-person apartment types’.

Table 12.1 provides ‘Apartment Mix Requirements’ and Table 12.2 provides a ‘Worked example of DLR Apartment Mix requirements’.

For Existing Built up area, Table 12.1 includes the following:

Threshold	Mix Studio/1/2 bed Requirement (Apartments and duplexes)	3+ bed Requirement (Apartments)

Schemes of 50+ units	Apartment Developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios	Minimum 20% 3+ bedroom units
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11.12.13. The proposed development provides for a total of 102 BTR apartments in the form of:

- 3 x Studio Units – 2.94%
- 79 x 1 Bed Units – 77.45%
- 20 x 2 Bed Units – 19.61%

11.12.14. The applicant refers to SPPR 8(i) of the apartment guidelines and which states:

‘For proposals that qualify as specific BTR development in accordance with SPPR 7: (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise’. These take precedence over the requirements in the county development plan.

11.12.15. **Assessment:** The proposed development is clearly stated to a be BTR scheme and as such there is no restrictions on the unit mix. I also have referred to the Draft Ministerial Direction in relation to Section 12.3.3 and that the following ‘requirement for certain percentages of 3-bed units in apartments to Build To Rent developments to accord with mix on page 237’ shall not be taken to have come into effect.

11.12.16. I have considered the issue raised in the applicant’s submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028. The unit mix is acceptable in terms of the requirements of the ‘Sustainable Urban

Housing: Design Standards for Apartments, 2020' as issued under Section 28 of the Planning and Development.

11.12.17. **Residential Density:** Chapter 4 – Neighbourhood – People, Homes and Place includes residential density. Policy Objective PHP18 states:

'It is a Policy Objective to:

- Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12.
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development'.

The following is also relevant:

'The 'Sustainable Residential Development in Urban Areas' Guidelines and the accompanying 'Urban Design Manual' include recommendations regarding appropriate densities for various types of locations. Having regard to the Guidelines and consistent with RPO 3.3 and 4.3 in the RSES:

- Where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) will be encouraged.

It should be noted that there are a number of existing bus lanes in the County which afford some localised bus priority, however, following the adoption of the Bus Connects Network Redesign they are no longer part of an overall bus priority network. In this regard higher densities can be justified along the proposed Core Bus Corridor routes (existing QBCs on the N11 and Rock Road) and the Kill Lane/Avenue Mounttown route (Bus Priority Route), which is a strategic bus link between Dún Laoghaire and the N11, along which, sections of bus lanes are already in place.

As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare (net density).

This density may not be appropriate in all instances but should be applied particularly in relation to 'greenfield' sites or larger 'A' zoned areas. Higher density schemes should offer an exemplary quality of life for existing and future residents in terms of design and amenity'.

11.12.18. The proposed development considers the development in the context of the overall permitted ABP Ref. 305345-19 and the subject application. The permitted development is for 287 units and the proposal is for 102 units. This provides for an overall density of 216.1 units per hectare and which is considered to be appropriate in relation to the proximity of the site to the N11 and its public transport provision.

11.12.19. **Assessment:** I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028.

11.12.20. The proposed development is in close proximity to high capacity and frequency public transport, and it therefore is a suitable site for increased density. The county development plan recognises the need to increase density in suitable locations and the proposed development is in accordance with relevant national guidance in this regard.

Note: A fourth issue originally raised referred to the preservation of trees on site. The relevant symbol is no longer in place on the maps of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and this issue is no longer relevant.

12.0 Appropriate Assessment (AA)

Stage 1 – Appropriate Assessment Screening

12.1. The applicant has engaged the services of Scott Cawley., to carry out an appropriate assessment screening; the submitted report is dated December 2021.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

12.3.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.3.2. The subject site with a stated area of 1.8 hectares is located approximately 900 m to the south of Stillorgan Village, on the junction of Brewery Road and the N11/ Stillorgan Road. The adjoining lands consist of roads, a row of four single storey cottages and the rest of The Grange mixed use development. The area can be defined as urban in nature. The subject/ development lands are mostly comprised of disturbed ground, building foundations and artificial surfaces. There is an existing 225 mm diameter surface water sewer located on the Stillorgan Road; it is proposed that the development will connect into this sewer.

12.3.3. The subject site is located within the Liffey and Dublin Bay Catchment and the Dodder sub-catchment. The subject lands do not physically overlap with any European sites. The is circa 142 m from the Brewery Stream which flows along Brewery Road and flows north east towards Blackrock where it discharges to Dublin Bay, at a point where it is part of the South Dublin Bay SAC and South Dublin Bay & River Tolka SAP. There are no hydrological connections between the subject site and the Brewery Stream due to the lack of potential pathways and the culverted nature of the stream.

The following European sites are present within the wider Dublin Bay complex:

- North Dublin Bay SAC
- North Bull Island SPA
- Howth Head SAC
- Howth Head Coast SPA
- Rockabill to Dalkey Islands SAC

South Dublin Bay SAC and South Dublin Bay & River Tolka SAP are nearest to the development site, some 2.6 km to the north-east and downstream hydrological connections to Killiney Bay are also present.

12.3.4. There are no records of any species or habitats for which European sites listed in Appendix 1 within the subject lands and/ or environs. There are no records of designated species within 2 km of the proposed development sites and surrounding areas are not able to support Qualifying Interests QIs/ Special Conservation Interests (SCIs) associated with any of the listed European sites.

12.3.5. The groundwater body underlying the proposed development site is the 'Kilcullen' groundwater body and which is described as 'Poorly productive bedrock' and 'not at risk' of failing to meet its requirements under the Water Framework Directive. The bedrock consists of Granite.

12.3.6. The proposed development consists of a residential scheme of 102 apartments in the form of 3 x studio units, 79 x one-bedroom units and 20 x two-bedroom units, all in one single block ranging from 5 to 7 to 10 storeys. This building is known as Block L and forms the next stage of the masterplan lands for the

development of The Grange site. 36 car parking spaces and 207 bicycle parking spaces are to be provided. In addition, an electricity substation is to be provided with vehicular access to the site already proposed under ABP Ref. 305345-19.

12.3.7. The following, relevant, Natura 2000 sites are located within 15 km of the subject site, details are provided here:

Name	Site Code	Distance from Site
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	(004024)	Circa 2.6 km to the north-east of the proposed development.

<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:</p> <ul style="list-style-type: none"> • The permanent habitat area is stable or increasing, subject to natural processes. • Maintain the extent of the Zostera –dominated community, subject to natural processes. • Conserve the high quality of the Zostera – dominated community, subject to natural processes • Conserve the following community type in a natural condition: Fine sands with Angulus tenuis community complex. <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>(000210)</p>	<p>Circa 2.6 km to the north-east of the proposed development.</p>
<p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>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>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p>	<p>(000206)</p>	<p>Circa 7.85 km to the north-east of the proposed development.</p>

<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with white dunes (Ammophila arenaria) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (Petalophyllum ralfsii) [1395]</p>		
<p>North Bull Island SPA</p> <p>Conservation Objective:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Teal (Anas crecca) [A052]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p>	<p>(004006)</p>	<p>Circa 7.85 km to the north-east of the proposed development.</p>

<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Rockabill to Dalkey SAC</p> <p>Conservation Objectives:</p> <p>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>Qualifying Interests</p> <p>1170 Reefs</p> <p>1351 Harbour porpoise (<i>Phocoena phocoena</i>)</p>	(003000)	Circa 7 km to the east of the proposed development.
<p>Baldoyle Bay SPA/ SAC</p> <p>Conservation Objectives</p> <p>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>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	(004016)	Circa 13 km to the north-east of the proposed development.

<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>The following habitats were recorded during the Coastal Monitoring Project (Ryle et al., 2009) but they are not listed in the qualifying interests for the site:</p> <p>Annual vegetation of drift lines (1210)</p> <p>Embryonic shifting dunes (2110)</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) (2120)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)</p> <p>Humid dune slacks (2190)</p>		
<p>Howth Head SAC</p> <p>Conservation Objectives</p> <p>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>Qualifying Interests</p> <p>(1230) Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>(4030) European dry heaths</p>	(000202)	Circa 13 km to the north-east of the proposed development.
<p>Howth Head Coast SPA</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests</p> <p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p>	(004113)	Circa 13 km to the north-east of the proposed development.

<p>Dalkey Islands SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194] The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a long - term basis as a viable component of its natural habitats, and • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long - term basis. <p>Qualifying Interests</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	<p>(004172)</p>	<p>Circa 6.6 km to the east of the proposed development.</p>
<p>Wicklow Mountains SAC</p> <p>Conservation Objectives:</p> <p>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. The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a 	<p>(002122)</p>	<p>Circa 7.8 km to the south-west of the proposed development.</p>

<p>long-term basis as a viable component of its natural habitats, and</p> <ul style="list-style-type: none"> • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis. <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>		
<p>Wicklow Mountains SPA</p>	<p>(004040)</p>	<p>Circa 7.8 km to the south-west of the</p>

<p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests</p> <p>Falco colombarius (Merlin) [A098]</p> <p>Falco peregrinus (Peregrine) [A103]</p>		<p>proposed development.</p>
<p>Irelands Eye SAC</p> <p>Conservation Objectives:</p> <p>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>Qualifying Interests</p> <p>1220 Perennial vegetation of stony banks</p> <p>1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p>	<p>(002193)</p>	<p>Circa 16 km to the north east of the proposed development.</p>
<p>Irelands Eye SPA</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>Qualifying Interests</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Kittiwake (Rissa tridactyla) [A188]</p> <p>Guillemot (Uria aalge) [A199]</p> <p>Razorbill (Alca torda) [A200]</p>	<p>(004117)</p>	<p>Circa 16 km to the north east of the proposed development.</p>
<p>Glenasmole Valley SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the</p>	<p>(001209)</p>	<p>Circa 12 km to the south-west of the</p>

<p>Annex II species for which the SAC has been selected. The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis. <p>Qualifying Interests</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>		<p>proposed development.</p>
<p>Knocksink Wood SAC</p> <p>Conservation Objectives:</p> <p>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>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	<p>(000725)</p>	<p>Circa 7.8 km to the south of the proposed development.</p>

Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]		
<p>Ballyman Glen SAC</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	(000713)	Circa 8.8 km to the south of the proposed development.

12.3.8. **Effects on European Sites.** The submitted AA Screening considers the potential impacts on European Sites from the proposed development as follows.

Habitat loss and fragmentation: The subject site does not overlap with the boundary of any European site and therefore no European sites are at risk of direct habitat loss. The site does not traverse any designated sites and there is no potential for habitat fragmentation to occur. The site does not support populations of any fauna species linked with a European site. The subject site consists of artificial surfaces and disturbed ground and would not be suitable to support ex-situ populations of SCI birds associated with listed designated sites.

Habitat degradation as a result of hydrological impacts: **Surface water** run-off and discharges from the proposed development will drain into the existing surface water drainage network via the existing surface water sewer on the Stillorgan Road. There are potential source-receptor pathways between the proposed development and the Dublin Bay European Sites via the surface water drainage network, which discharges into Dublin Bay, however no significant effects are predicted due to:

- The scale and the location of the subject site in relation to the receiving waters.
- The low volume of the surface water run-off or discharge events from the subject site relative to the receiving waters.

- The level of mixing, dilution, and dispersion of surface water run-off/ discharges from the subject site to the receiving waters.

The Greater Dublin Strategic Drainage Study (GSDSDS) and the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 includes objectives for the provision of SuDS measures within new development; these are part of the proposed development and are not included to avoid or reduce any potential harmful effects to designated European sites. There is no possibility of the proposed development undermining the conservation objectives of the QIs or the SCIs of the identified European sites as a result of surface water run-off or discharges.

Foul water will be connected into the public system and will be treated in the Ringsend Waste Water Treatment Plant (WWTP), prior to discharge into the Liffey Estuary/ Dublin Bay. Ringsend WWTP operates under licence from the EPA (D0034-01). Permission was approved in 2019 for the upgrade of the Ringsend WWTP. SuDS measures will also ensure that water quality is protected.

Considering these factors and the fact that the volume of water to be treated would make up a tiny proportion of the overall discharge from Ringsend, it is concluded in the AA screening that the proposed development would not impact on the overall water quality of Dublin Bay. There is no possibility of the proposed development undermining the conservation objectives of the QIs or the SCIs of the identified European sites as a result of foul water discharges.

In combination effects could occur due to projects within the function areas of the four Dublin Local Authorities or other land use plans that may impact on conditions in Dublin Bay via watercourses etc. The Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019 – 2031 provides a range of policy objectives for the protection of European Sites, and water quality in Dublin Bay, that the relevant planning authorities must comply with. The site is located within the administrative boundary of Dun Laoghaire-Rathdown County Council and relevant policies are listed including LHB19, LHB20, LHB22, EI1 and EI3. The AA includes a list of relevant policies in the adjoining local authority areas.

Improvements have been permitted/ proposed to the Ringsend WWTP and Dublin Bay is currently unpolluted and the proposed development will not result in any measurable effect on the water quality of Dublin Bay. It is concluded that there is no

possibility of any other plans or projects acting in combination with the proposed development to give rise to significant effects to any designated European site in or associated with Dublin Bay.

Habitat degradation as a result of hydrogeological impacts: The site is location within the Kilcullen Groundwater Body and groundwater underlying the development site is likely to discharge into the Brewery Stream, which is located circa 142 m to the west of the subject site. Knocksink Woods SAC (circa 7.8 km to the south) is beyond the hydrogeological ZOI of the proposed development and there is no possibility of any other plans or projects acting in combination with the proposed development undermining the COs of any European site as a result of groundwater impacts either alone, or in combination with any other plans or projects.

Habitat degradation as a result of introducing/ spreading of non-native invasive species: Japanese knotweed that was on the site has been professionally removed with full certification and no invasive plants, listed on the third schedule of the Birds and Natural Habitats Regulations (2011) have been recorded within the boundary of the proposed development site. There is no potential for invasive species to be transferred to downstream European sites as no such species were found on site.

Disturbance and Displacement Impacts: Construction related disturbance could impact mammals and birds, however there are no European Sites within the ZOI and the site is not an ex-situ foraging site. There is no potential for any in-combination effects to occur.

12.3.9. **AA Screening Conclusion:** The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded.

Screening Assessment

12.3.10. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.3.11. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

12.3.12. An indirect linkage is provided between the site and Dublin Bay via the Brewery Stream which is located approximately 142 m to the west of the site, and discharges into the sea at Blackrock. Potentially, contaminated water could enter the river via existing drains, travel downstream and enter Dublin Bay. The distance would be over 2.7 km and the route of the stream is through established suburban and urban areas. The site is separated from the river by existing residential development, the Brewery Road and is also culverted along this section of its route.

12.3.13. During the construction phase of development, standard measures will be employed to address surface water run-off, disposal of pumped water from excavations and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

12.3.14. During the operational phase of the development, surface water drainage will be in accordance with the policies/ guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dun Laoghaire-Rathdown County Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.

12.3.15. Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.

12.3.16. I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard

construction/ operational processes and cannot be considered as mitigation measures. 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 runoff, 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).

12.3.17. 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:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Ringsend Wastewater Treatment Plant for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

In-Combination or Cumulative Effects

12.3.18. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This

can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Stillorgan area in accordance with the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 which is replaced by the 2022 – 2028 plan. These been 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 sites. I note also the development is for a relatively small mixed use development including provision for 102 residential units and modest commercial development on serviced lands, with an appropriate A zoning (for residential uses), in an established urban area. As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.3.19. Furthermore, I note that 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 and associated Appropriate Assessment Screening.

12.3.20. While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP now underway will allow the Ringsend WWTP to treat the increasing volumes of wastewater arriving at the plant to the required standard, enabling future housing and commercial development in the Dublin area. The project will deliver, on a phased basis, the capacity to treat the wastewater for a population equivalent of 2.4 million while achieving the standards of the Urban Wastewater Treatment Directive. In February 2018, work commenced on the first element, the construction of a new 400,000 population equivalent extension at the plant and these were completed and commissioned in November 2021. Works on the upgrade of secondary treatment tanks at the plant with Aerobic Granular Sludge (AGS) Technology were completed in December 2021. The addition of AGS technology will allow more wastewater to be treated to a higher standard within the existing tanks. The second contract commenced in November 2021, following the completion of the capacity upgrade contract, and is expected to take two years to be complete. Construction works on foot of a third contract are due to commence in

early 2022. These contracts are phased to ensure that Ringsend WWTP can continue to treat wastewater from the homes, businesses, schools and hospitals of the Greater Dublin Area at current treatment levels throughout the upgrade works. The details of these upgrade works are available at www.water.ie/projects-plans/ringsend

12.3.21. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.3.22. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion:

12.3.23. It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on 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 these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

12.3.24. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

13.0 Environmental Impact Assessment

13.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

13.2. The application was accompanied by an Environmental Impact Assessment Screening Report (EIAR), prepared by Enviroguide Consulting and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

13.3. Item 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 EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- 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. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

13.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

13.5. The development proposes 102 BTR apartment units in a single block and has a stated area of 1.8 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development

Regulations 2001 as amended, in that it is less than 500 units and it is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area) that would require EIA.

13.6. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

13.7. The applicant submitted an EIA Screening Report with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

13.8. Potential cumulative impacts are considered separately in the context of the screening exercise. I am satisfied that there is no requirement to carry out an EIAR based on 'potential' development for in excess of 500 units, as there is no such development proposed or planned.

13.9. I am satisfied that the applicant has provided sufficient information for a screening assessment to be carried out and that the screening correctly relates to the development proposal. The various reports submitted with the application, as listed in section 3.3 of this report above, address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts, 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 character of the site, the location of the proposed development, and types and characteristics of potential impacts. I have considered all submissions on file, and I have considered all information which accompanied the application including inter alia:

- Environmental Impact Assessment Screening Report

- Appropriate Assessment Screening Report
- Statement of Consistency & Planning Report
- Design Statement
- Material Contravention Statement
- Energy & Sustainability Report
- Residential Lighting Analysis
- Landscape Planning Report
- Operational Water Management Plan
- Building Lifecycle Report
- Construction Management Plan
- Flood Risk Assessment
- Surface Water Audit
- Traffic & Transport Assessment
- Stage 1 Road Safety Audit including Cycle Audit
- Sunlight and Daylight Access Analysis
- Wind Desktop Study and CFD Study
- Assessment of the Visual Impact on the Built Environment

13.10. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021, 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.

13.11. In addition to the EIA Screening document submitted, I refer the Board to the additional document submitted titled 'Statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 as amended for the proposed Strategic Housing Development at Phase 1, The Grange, Brewery Road/ Stillorgan Road, Blackrock, Co. Dublin'. The submitted Appropriate Assessment Screening document and Ecological Impact Assessment document have considered the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC). Directive 2002/49/EC, Environmental Noise Directive was addressed in the submitted Construction Management Plan. The submitted Flood Risk

Assessment that addresses the potential for flooding was undertaken in response to the Directive 2007/60/EC Floods Directive. The SEA Directive (2001/42/EC) is implemented in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (SI 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (SI 436/2004), as amended. Dun Laoghaire Rathdown County Council as part of the Dun Laoghaire Rathdown Development 2016 - 2022 undertook a Strategic Environmental Assessment (SEA) of the plan. Reports submitted with the application that are relevant to this Directive include the Environmental Impact Assessment Screening Report, Planning Report, Statement of Consistency and the Material Contravention Statement. The EIAR Screening and CEMP have been undertaken with regard to Directive 2004/107/EC relating to Arsenic, Cadmium, Mercury, Nickel and Polycyclic Aromatic Hydrocarbons in Ambient Air. I have taken the above documents into account in the screening determination.

13.12. I have completed a screening assessment which considers the development proposed under this current application (as per above/section 12.1. and as per EIA screening form attached separately). As a result of this assessment, I recommend to the Board 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.

The conclusion of this is assessment is as follows:

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site with an 'A' Zoning in the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 with the objective 'To protect and/ or improve residential amenity', and also partially with a 'F' zoning objective 'To preserve and provide for open space with ancillary active recreational

amenities', and compliance with the relevant objectives and development management standards outlined in the Plan,

- (c) The existing use on the site and the pattern of development in the surrounding area;
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) 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
- (f) 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),
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (h) 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 Assessment of the Visual Impact on Built Environment, the Construction Management Plan, the Construction and Demolition Waste Management Plan, the Engineering Assessment Report, the Site Specific Flood Risk Assessment, and the Operational Waste Management Plan.

13.13. I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, 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.

14.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for a mix of residential and open space development, is a serviced site, where public transport, social, educational and commercial services are available. The proposed Built To Rent development is of a suitably high quality and provides for a suitable mix of apartment types which are served by high quality communal open space and facilities for residents in the form of a residential lounge, post room etc.

I do not foresee that the development will negatively impact on the existing residential and/ or visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and County Policy and is in accordance with the proper planning and sustainable development of the area.

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 development, for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective primarily for Residential development and also for Open Space uses, and the policy and objective provisions in the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development 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,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive's Report and supporting technical reports of Dun Laoghaire-Rathdown County Council,
- (ix) the comments made at the Dundrum Area Committee meeting,
- (x) to the 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.

16.0 Recommended Draft 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 12th Day of January 2022 by KW PRS Fund 12.

Proposed Development:

- The provision of 102 no. BTR apartment units comprising 3 no. studio units, 79 no. 1-bed units, and 20 no. two-bed units, within a single apartment Block. 36 no. car parking spaces are available at basement level and parking for 207 bicycles is provided throughout the site.
- Vehicular access is available to the car park from Brewery Road, through an existing access point. Communal open space is provided on the site.
- The application contains a statement with addendum setting out how the proposal will be consistent with the objectives and policies of the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.

The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development in term of Height, Car Parking and Density.

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

16.1.1. 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.

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

(i) the site's location on lands with a zoning objective primarily for Residential development and also for Open Space uses, and the policy and objective provisions in the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 in respect of residential development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development 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,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

(vi) the availability in the area of a wide range of social and transport infrastructure,

(vii) to the pattern of existing and permitted development in the area, and

(viii) Chief Executive's Report and supporting technical reports of Dun Laoghaire-Rathdown County Council,

(ix) the comments made at the Dundrum Area Committee meeting,

- (x) to the submissions and observations received,
- (xi) the Inspectors report

Appropriate Assessment (AA)

16.1.3. The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the information for the Screening Report for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file.

16.1.4. It is considered reasonable to conclude that on the basis of the information submitted in the Appropriate Assessment Screening report, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of European sites.

Environmental Impact Assessment (EIA)

16.1.5. The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

16.1.6. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning and Development Regulations 2001 as amended,
- The location of the site on lands that are zoned for residential uses under the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Dun Laoghaire-Rathdown County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within an established urban area, which is served by public infrastructure and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- 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), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- the Schedule 7A of the Planning and Development Regulations 2001 as amended, information submitted with the application.

16.1.7. The Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

16.1.8. The Board considered that the development was compliant with the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 which is the statutory plan for the area.

16.1.9. 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 consistent with national and local planning policy and would be acceptable in terms in terms of urban design, height and quantum of development and of pedestrian and traffic safety. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) The cycle ramp providing access to the basement area shall be revised such that the gradient is no more than 7% and shall comply in full with the requirements of the Planning Authority.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. The proposed pedestrian/ cycle link from the N11 to Leopardstown Oaks to the south west of the overall site, shall be provided in accordance with the requirements of the Planning Authority. This link shall be open to the public on a 24-hour basis. Details of this link shall be provided for the written agreement of the Planning Authority prior to the commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of residential amenity.

4. The number of residential units permitted by this grant of permission is 102 no. units in the form of 3 no. studio units, 79 no. one bedroom units and 20 no. two bedroom units.

Reason: In the interests of clarity.

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

Reason: In the interest of visual amenity.

6. 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.

7. Proposals for a development name, retail/ commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

8. The internal noise levels, when measured at the north east windows of the proposed development, facing onto the N11, shall not exceed:

- (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
- (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

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

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

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

Reason: In the interests of orderly development and clarity

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

12. 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.

13. The internal vehicular access/ network serving the proposed development, including turning bays, connection with the existing internal road network, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In addition, the development shall ensure that does not impede any elements of the proposed Core Bus Corridor as proposed under Bus Connects. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

14. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for

use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Five of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.

(c) 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.

(d) A minimum of 4 suitably provided motorcycle parking spaces shall be provided.

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

15. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

16. A total of 207 no. bicycle parking spaces and room for six cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

17. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the Planning Authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents /occupants /staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details shall be agreed with the Planning Authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

18. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

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

Reason: In the interest of public health.

20. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

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

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

22. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, [communal refuse/bin storage] and all areas not

intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

24. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

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

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

25. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional

circumstances where prior written approval has been received from the Planning Authority.

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

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and development Act 2000, as amended, and of the housing strategy in the development plan of the area.

27. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

28. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

29. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development

or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

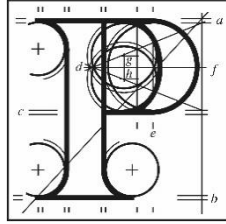
30. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul O'Brien

Planning Inspector

19th of May 2022



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312447-22
Development Summary		The provision of 102 BTR Apartments.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	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	See Inspector's Report – Section 13.11. SEA undertaken in respect of the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 and the results of the Strategic Environmental Assessment of the plan.

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
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?	Yes	The development comprises the construction of residential units on zoned lands. A single block of four to ten storeys over basement is proposed in an area characterised by a mix of similar buildings and there is a row of single-storey cottages to the north west of the site.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on brownfield/ infill lands within Dun Laoghaire-Rathdown.	No.

<p>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?</p>	<p>Yes</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No.</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils 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.</p>	<p>No.</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful</p>	<p>No.</p>

		<p>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. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</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. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The</p>	<p>No.</p>

		operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	Yes	<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. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	No.
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	No	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts</p>	No.

		<p>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>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. 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</p>	<p>No.</p>

		site and surrounding pattern of land uses, primarily characterised by residential development.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	Permission was granted for similar development on the adjoining lands, which are under construction at present.	No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No	No European sites located on the site. An AA Screening accompanied the application which concluded 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), in view of the sites Conservation Objectives.	No.
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,	No	No such species use the site and no impacts on such species are anticipated.	No.

over-wintering, or migration, be affected by the project?			
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site is not within or adjacent to any such sites.	No.
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?	No.	There are no such features arise in this urban location.	No.
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?	No.	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.	Site is located in a built-up urban location where such impacts are not foreseen.	No.
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which	No.	The site is served by a local urban road network and is adjacent to the N11 National Primary	No.

cause environmental problems, which could be affected by the project?		Route. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	None.	No.

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 effects 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.	None.	
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective A ‘To provide residential development and/or protect and improve residential amenity’ in the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) 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),
- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction & Demolition Waste Management Plan (CDWMP) and Outline Construction Management Plan (CMP), 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: _____

Date: _____

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