



An  
Bord  
Pleanála

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

## **Inspector's Report ABP-312539-22**

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### **Strategic Housing Development**

Demolition of existing building,  
construction of 358 no. student  
bedspace accommodation, 4 no. staff  
apartments and associated site works.

### **Location**

Cunningham House, Trinity Hall,  
Dartry, Dublin 6

### **Planning Authority**

Dublin City Council

### **Applicant**

Trinity College Dublin

### **Prescribed Bodies**

Department of Housing, Local  
Government and Heritage  
(Development Applications Unit)

Irish Water

**Observers**

Andrea Gelasure

Ciaran Tuite

Declan Ryan (Anthony Marston)

Gelderbury Ltd (HPDC)

Irish Water

James Brewster

Marcelo Mottalli

Marion and Adrian Masterson and  
Others

Mary Meegan

Niall P Reddy

Patricia Brewster Willeke

Philip Kenny on behalf of Patricia  
Kenny

Richview Residents Association  
(Gerald Fitzgerald)

Roddy Slattery

Rodney Smythe

Teresa O'Higgins

**Date of Site Inspection**

22<sup>nd</sup> April 2022

**Inspector**

Rónán O'Connor

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1.1. The subject site, which has a stated area of 1.07 hectares, is located approximately 3km to the south of Dublin city centre, on the eastern side of Dartry Road, Dublin 6. The subject site forms part of the established Trinity Hall student residences located to the south of Palmerston Park, east of Dartry Road and north of Temple Road. The subject site comprises the south-eastern corner of the wider Trinity Hall complex.
- 2.1.2. The established Trinity Hall campus, including existing accommodation at Cunningham House, accommodates approximately 995 student bedspaces, together with facilities used by the Botany Department, Trinity College Dublin, including a botanic garden. There are three Protected Structures within the wider Trinity Hall campus and a number of other Protected Structures within the wider area. The wider area is primarily residential in character and the area includes a number of period properties- a number of which are on the Record of Protected Structures. With some exceptions, houses on Temple Road are of more recent construction.

## **3.0 Proposed Strategic Housing Development**

The proposed development consists of the following:

- Demolition of Cunningham House, the Sports Hall (including removal of part basement of 104sqm), the eastern section of the existing rear boundary wall and associated single storey ancillary sheds within the curtilage of Greenane House (a Protected Structure) (c.2,864sqm total GFA to be demolished).
- 358 no. purpose-built student bed spaces comprising of 11 no. 5-bed units; 4 no. 6-bed unit; 1 no. 7-bed unit and 34 no. 8 bed units in two interconnected blocks [Blocks A and B], predominantly 4 storey in height with Block A rising to 6 storeys and 8 storeys to the north-west.

- 4 no. staff apartments (3 no. two-bed apartments and 1 no. three-bed apartments) [located in Blocks A and C].
- 2 no. classroom providing a total of 68sqm gross floor area [located in Block A]. It is intended that this space will be available for use by the Botany Department and will complement the existing teaching and research activities at Trinity Hall.
- A replacement multi-use Sports Hall, together with the adjoining Forum amenity space, resulting in a total amenity area 1,033sqm, in a single storey block between, with plant and changing facilities provided at an extended basement level [Forum Block].
- Works to Oldham House (a Protected Structure) to include works necessary for the demolition and replacement of late 20th century Sports Hall (directly abutting Oldham House); replacement of late 20th century existing doors and window at ground floor level (all on the east elevation only) to facilitate connections to the new Forum amenity space; reinstatement of 2 No. original, historic first floor rear window openings (east elevation only) to match existing adjacent, sash windows and 1 no. new door to provide access to proposed roof terrace; removal of existing sand/cement and gypsum plaster finish to east façade and replacement with lime render; and renovation of porch structure, stairs and first floor door on southern elevation.
- Provision of a screen wall to the south of Greenane House (a Protected Structure) to screen proposed refuse area.
- Reinstatement of gardenesque setting and amenity to the front curtilage of Oldham House and Greenane House (Protected Structures).
- Replanting of three-times the number of trees to be removed, across the wider Trinity Hall campus, due to condition or development proposals, with native and botanically interesting species.
- A range of student amenity and common spaces are provided and comprise a mix of outdoor spaces within the courtyard and internal spaces within Block A, Block C and the Forum Block together with a restricted access outdoor space at podium level above the Forum Block.
- 188 no. cycle parking spaces located within the application site.

- Minor repositioning of the existing access gate onto Temple Road, moving it approximately 4.2m westward to facilitate and maintenance emergency access only.
- A single storey Security Hut (10qm GFA) at the main vehicular entrance to Trinity Hall at Dartry Road.
- All associated and ancillary landscaping works; site lighting; refuse storage; boundary treatments; plant; solar photovoltaic panels; water, wastewater and surface water works; upgrade works to existing electrical substation and all other site and development works.

### Key Figures

Site Area	1.0665 Ha
No. of student bedspaces	358 no. bedspaces
No. of staff apartments	4 no. staff apartments
Height	Block A: 4, 6 and 8 storeys Block B: 4 storeys Block C: 3 storeys 'Forum' Building: Single storey
Communal Open Space	Courtyard Area: 1056 sq. m Internal Amenity Spaces: 780 sq. m.
Vehicular Access	From Dartry Road
Car Parking	No car parking provided/removal of 43 no. existing spaces 47 spaces retained on the wider campus site
Bicycle Parking	188 no. spaces

### Mix

Type	No. of units	% of units
5 bed cluster	11	22%
6 bed cluster	4	8%
7 bed cluster	1	2%
8 bed cluster	34	68%
<b>Total</b>	<b>50</b>	<b>100%</b>

## 4.0 Planning History

4.1.1. A number of applications have been made on the wider Trinity Hall lands.

Applications of note have been outlined below.

### 1737/72

Refers to the grant of planning permission for Cunningham House.

### 1101/99 (ABP Ref. PL.29S.117164)

Permission GRANTED for three new student residence buildings containing 832 bedrooms arranged in 180 apartments, ranging from three to seven storeys in height, new central support facilities including a 400 seater dining facility, laundrette, student shop, reception area and stores. Permission was also granted for the refurbishment of Trinity Hall, the removal of a single storey gate lodge and existing link between Trinity Hall and Purser House, three storey annex to Trinity Hall and an existing two storey glazed lobby to the sports hall. Construction of a new atrium between Trinity Hall and the sports hall and associated works to include a new avenue and enclosed arboretum, new perimeter treatment to the site boundary and a new square for vehicular and pedestrian use.

The following applications relate to the use of the permitted student residences:

### 0577/03 (ABP Ref. PL.29S.202698)

Permission GRANTED for the temporary amendment to Condition No. 3 of ABP PL.29S.117164 to permit occupancy for a specified period of time by the

delegations, assigned volunteers and other participants in the 2003 Special Olympics World Summer Games.

3645/17 (ABP Ref. 300092-17)

Permission GRANTED in 2018 for the change of use of student accommodation to 30 no. classrooms temporarily outside the academic term time.

3074/17 (ABP Ref. 300133-17)

Permission GRANTED in 2018 to amend Condition No. 3 of ABP PL29S.117164 to facilitate the use of existing student accommodation as temporary tourist or visitor accommodation only outside of academic term time and to accommodate any student registered in a Higher Education Institute during the academic term times at Blocks 1, 2 and 3

## **5.0 Section 5 Pre Application Consultation**

5.1.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 23rd October 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála (Ref. ABP-305430-19). The prospective applicant was advised that the following specific information was required with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, demonstrate/justify the suitability of the proposed site to accommodate the proposed height particularly in the context of the adjoining residential properties.
2. Notwithstanding that the proposal constitutes a reasonable basis for an application, further consideration (or justification if elevations are to be retained) of the southern elevation to Block C along Temple Road and the elevations of Block B that address the courtyard.



3. A report that addresses how the proposed development integrates with the existing Trinity Hall campus. In particular this should address and identify the existing and proposed amenities and facilities and the capacity to accommodate existing and proposed student/staff numbers, specifically how the development will accommodate access to the facilities/amenities. Details of the management of the sports hall and its users should also be addressed.
4. An arboricultural report that address the potential impact of the proposed development on the adjoining facilities, in particular on the Botany Department's arboretum. In this regard comments/observations from the Botany Department of TCD may be of benefit to the application process.
5. A draft Mobility Management Plan. Also, a site layout plan which clearly identifies the existing car and bicycle parking within the wider Trinity Hall Campus, identifying the spaces to be retained and those to be removed.
6. A construction and demolition waste management plan
7. A Student Accommodation Management Plan

## **5.2. Applicant's Statement**

- 5.2.1. The application includes a statement of response to the pre-application consultation (Statement of Response to Pre-Application Consultation Opinion), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each item of specific information raised in the opinion.

### **Material Contravention Statement**

- 5.2.2. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Dublin City Development Plan 2016-2022 in relation to the matters of (i) Height (ii) Car Parking and (iii) Maximum Student Accommodation Standards.
- 5.2.3. I refer the Board to Section 10.12 of this report which summarises the contents of same and considers the issue of material contravention generally.

## **6.0 Relevant Planning Policy**

### **Project Ireland 2040 - National Planning Framework (2018)**

6.1.1. The NPF sets out the Governments' high level strategic vision for shaping the future growth and development of the country.

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: 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.
- National Policy Objective 27: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. The NPF states that the demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose built student accommodation needs to be proximate to the centres of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

The National Student Accommodation Strategy 2017

6.1.3. The National Student Accommodation Strategy issued by the Department of Education and Skills in July 2017 aims to ensure an increased level of supply of purpose built student accommodation (PBSA). Key national targets include the construction of at least an additional 7,000 PBSA bedspaces by end 2019 and at least an additional 21,000 bedspaces by 2024. A progress report issued in July 2019 reported that 12,677 spaces were available in the country at the end of Q3 2018, with planning permission granted for another 8,577 and sought for 2023.

6.1.4. The report highlights that there is a grave need for Purpose Built Student Accommodation (PBSA) in Dublin and that this demand/supply disconnect is also pressuring an already strained private rental sector (PRS).

Department of Education and Science Guidelines on Residential Development for Third Level Students (1999) & the subsequent supplementary document (2005); and 'Student Accommodation Scheme', Office of Revenue Commissioner (2007)

6.1.5. The Department of Education and Science Guidelines on Residential Development for Third Level Students (1999) were issued in 1999 to assist developers and designers in formulating proposals for student residential development. In 2005, a supplementary document was issued to addresses a range of specific matters that had arisen since publication of the original guidelines in 1999.

6.1.6. In 2007, the Office of Revenue Commissioner issued a further guidance document on the Student Accommodation Scheme.

6.1.7. The two documents include guidance regarding floor areas, layout and facilities.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

6.1.8. Pillar 4 refers to the Improvement of the Rental Sector. Key objectives include addressing the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.

6.1.9. Key actions include encouraging the “build to rent” sector and supporting greater provision of student accommodation. The plan recognises the importance of providing well designed and located student accommodation in order to avoid additional pressures in the private rental sector.

Housing for All – A New Housing Plan for Ireland (2021)

- 6.1.10. This is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.
- 6.1.11. The government's overall objective is that every citizen in the State should have access to good quality homes:
- to purchase or rent at an affordable price
  - built to a high standard and in the right place
  - offering a high quality of life
- 6.1.12. The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
  - eradicating homelessness, increasing social housing delivery and supporting social inclusion
  - increasing new housing supply
  - addressing vacancy and efficient use of existing stock
- 6.1.13. Section 1.9 of the Plan 'Protect Tenants in Private Rental Accommodation', notes that on-campus purpose-built student accommodation can alleviate pressure on the private rental market and stipulates that the Government will support technological universities to develop purpose-build student accommodation where such a requirement exists.
- 6.1.14. Housing Policy Objective No. 2.11: Support diversification of housing stock and increase availability of rental stock by supporting the development of Purpose Built Student Accommodation by Technological Universities.

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

## **Section 28 Ministerial Guidelines**

- 6.1.15. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, from

prescribed bodies and from observers on the application, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

#### Other Relevant Guidance

- Circular Letter: NRUP 05/2021 Temporary Change of Use of Student Accommodation (24 September 2021).
- DHPCLG Circular PL8/2016 APH 2/2016 (July 2016): Encourages co-operation between local authorities and higher education institutes in the provision of student housing. Indicates that student accommodation should not be used for permanent residency but can be use by other persons/groups during holiday periods.

## 5.2 Regional

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

#### Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- 6.1.16. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National

Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

6.1.17. The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

6.1.18. Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

6.1.19. Section 9.2 notes that changing household formation trends will require a range of housing typologies including student housing. Section 9.3, Housing and Regeneration, notes that recent trends in the delivery of specialised housing typologies such as student accommodation, build to let developments and shared accommodation is indicative of the change in approach necessary to accommodate changing demand and demographics in the Region.

#### Transport Strategy for the Greater Dublin Area 2016-2035

6.1.20. The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

- 6.1.21. The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

### **5.3 Local**

The Dublin City Development Plan 2016-2022 (including Variations) is the operative City Development Plan. Relevant provisions are set out below.

- Zoning - The site is primarily zoned ‘Objective Z1’ – Sustainable Residential Neighbourhoods which seeks ‘to protect, provide and improve residential amenities’. A small portion associated with Greenane House and its curtilage, adjoining Temple Road is zoned ‘Objective Z2’ which seeks to ‘protect and/or improve the amenities of residential conservation areas’.

Chapter 5 sets out policies for quality housing.

Policy QH5 promotes residential development through active land management and a co-ordinated planned approach to developing appropriately zoned lands including regeneration areas, vacant and under-utilised sites.

Policy QH6 encourages attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures.

Policy QH8 promotes the sustainable development of vacant or under-utilised infill sites and higher density proposals which respect the surrounding area.

Section 5.5.12 To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which can make the city’s educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas.

Policy QH31 supports the provision of high-quality, professionally managed and purpose-built student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, which respects the residential amenity and character of

the surrounding area. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.

Policies CEE12(ii) and CEE19 of Chapter 6 City Economy and Enterprise, promote Dublin as destination for student visitors / International Education Centre and support the provision of professionally managed student accommodation developments.

#### Section 11.1.5.3 Protected Structures - Policy Application.

There are three Protected Structures within the Trinity Hall campus- Purser House (RPS No. 2244), Grennane House (RPS No 2245) and Oldham House (RPS No 2243). Immediately adjoining to the south-west is another Protected Structure 'Esterel' (RPS No 8041).

The site is also partly within Site of Archaeological Interest (RMP No. DU022-087).

Policy CHC 2 seeks to ensure the protection of the special interest of protected structures, while Policy CHC 4 seeks to protect the special interest and character of all Dublin's Conservation Areas.

Policy CHC 3 seeks to identify and protect exceptional buildings of the late twentieth century; to categorise, prioritise and, where appropriate, add to the RPS. Dublin City Council will produce guidelines and offer advice for protection and appropriate refurbishment.

Chapter 16 contains Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

Section 16.5 describes plot ratio as a tool to help control the bulk and mass of buildings. It can determine the maximum building floor area or volume, but on their own cannot determine built form. Plot ratio standards need to be used in conjunction with other development control measures, including site coverage, building height, public and private open space. The Development Plan sets out Indicative Plot Ratio Standards and for Z1 and Z2 Outer City sites, the Indicative Plot Ratio for such sites is 0.5 -2.0.

Section 16.6 of the Development Plan sets out Indicative Site Coverage for Z1 and Z2 sites, with development within Z1 sites expected to achieve between 45% and 60 %, with development on Z2 sites expected to have a maximum site coverage of 45%.



Section 16.7 Building Height - Low Rise/Outer City- Maximum Height 16m for residential. The site is located within Low Rise/Outer City area.

Section 16.10.7 provides guidelines for student accommodation, including internal standards for bedrooms and shared spaces as follows:

- Student accommodation should be grouped as 'house' units between 3-8bedspaces, from 55 sq.m. - 160 sq.m.
- Single / double occupancy studio units with bathroom and cooking facilities, GFA of 25 sq.m. - 35 sq.m.
- Shared kitchen facilities shall be provided at a minimum of 4 sq.m. / bedspace.
- Minimum bedrooms shall be single study bedroom 8 sq.m. with bathroom 12 sq.m., twin study bedroom 15 sq.m. with bathroom 18 sq.m., single disabled study bedroom with bathroom 15 sq.m.
- Bathrooms shall serve a maximum of 3 bed spaces.
- Communal facilities shall include laundry, caretaker / security and refuse facilities.

The Development Plan states that student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms and that proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011).

Section 16.10.17 of the Dublin City Development Plan 2016-2022 provides that, in assessing proposals for student accommodation developments, the planning authority will: 'have regard to the pattern and distribution of student accommodation in the locality, and will resist the over-concentration of such schemes in any one area, in the interests of achieving a sustainable mix of development, whilst also providing for successful urban regeneration, good public transport/cycling/walking connectivity, and the protection of residential amenity.'

It is further stated that for student accommodation proposals 'the applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 0.25km of a proposal.' (This requirement was amended by Variation No. 3)

Variation No. 3 of the Dublin City Development Plan amended the above extract was to read as follows:

‘The applicant will be requested to submit evidence to demonstrate that there is not an over-concentration of student accommodation within an area, including a map showing all such facilities within 1km of a proposal.’

Parking Standards - Area 2, Map J: Residential- 1 per dwelling; Student Accommodation- 1 per 20 bedspaces.

## **7.0 Observer Submissions**

- 7.1.1. 15 no. submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

### Principle of Development/Student Accommodation

- Student accommodation should be provided within a 2km radius of the educational facilities which it serves
- Cannot rely on previous precedents for student accommodation permissions
- Goes against the spirit of a residential area like Dartry to have such a concentration of student accommodation/goes explicitly against the Dublin City Development Plan 2022-2028
- Trinity Hall is currently the largest student accommodation facility in the country, and this plan will only increase the density of students in the area.
- Campus is considerably far from Trinity College itself/any increase in the number of beds will also have an impact on the public transport in the area (in particular, in the LUAS which connects Trinity Hall to Trinity College at the city centre).
- Previous application rejected by the High Court/this iteration of the development should be similarly be rejected.
- Severe over-concentration of the student population
- No physical or nearby connection to the university campus, being located over 3 kilometres from Trinity College itself.

- Material contravention of the city Development Plan, which specifies maximum building heights of 16m in Z1 residential zones in the outer city.
- This development does not satisfy the requirement of strategic national importance.
- Demand is overstated by the applicants/is likely to reduce
- No argument to permit a material contravention.
- Student accommodation closer to, and within walking distance of, College Green, shortly becoming available in the nearby Upper Rathmines area/completion of the major rebuild of Alexandra College and its boarder accommodation/will result in the former Church of Ireland College of Education bedroom block temporarily in use by Alexandra students being no longer required.
- Expansion of the existing large-scale student accommodation is not suitable for the subject site and should be refused permission.
- Proposed development is contrary to the zoning objectives of the surrounding dwellings, as set out in the development plan.
- Proposed development does not comply with national planning policy including the National Planning Framework.
- “Student Accommodation” is not listed in either Z1 or Z2, which constitutes a contravention of the Development Plan. “Student Accommodation” is specifically listed as a use that is “Open to Consideration” under lands zoned ‘Z15’
- The proposed development contravenes standards which apply to student accommodation.
- Non-Compliance with Various Policies including CC5 (ii), SC 13, SC16, QH7, QH22.
- Contravenes Section 16.7 of the Dublin City Development Plan 2016-2022 – “Building Height in a Sustainable City”.
- The height of the tallest proposed structure will be approximately 25.5m which is greater than the greatest permissible height for residential buildings contained within the Development Plan – even in the Inner City.

- Does not comply with the parameters/criteria within “Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (2009)”, in relation to outer suburban/greenfield sites and institutional lands.
- Overconcentration of Student Accommodation
- Student Concentration Report does not consider that the student accommodation provision of the area is on one site, in a small town, with a population of less than 5,000 residents.
- No mix of uses is being provided here

#### Design and Layout including Height and Public Realm/Conservation/Visual Impact

- Proposed development represents a dramatic increase in height
- Block A, in particular is oversized.
- Will dominate Temple Road with its overbearing scale.
- The six storey building will significantly overbear and overlook the dwellings at Temple Square.
- The proposed development fails to make a positive contribution to placemaking negatively impacts the streetscape
- Proposed development fails to respond to its natural and built environment
- The proposal is monolithic in the context of its immediate surrounds
- Does not respect the character of adjacent historic properties.
- Proposal fails to integrate with the surrounding area
- Proposed development will cast significant shadows over the dwellings to the east of the site, Temple Square,
- Building Height of 10m in excess of the Development Plan is not justified under Section 37(2)(b) of the PDA 2000
- Undersupply could be addressed by a development that does not exceed the 16m height restriction under the Development Plan
- Not all of the criteria under Section 3.2 of the Guidelines have been met

- SPPR3(a) allows discretion whether to grant permission even if criteria have been met
- Contravenes the Development Plan on heights
- Height of other buildings should not be used as a precedent/each case should be treated on its merits
- Drawings are misleading/Visual impact will be greater than indicated/should be refused because of this defect in the drawings
- Proposed development includes the demolition of the eastern section of the existing rear boundary and associated single storey ancillary sheds which are part of Greenane House, and part of the Protected Structure (RPS 2245)/Protected Structure includes the land lying within the curtilage of the Protected Structure and other structures within that curtilage and their interiors.
- Applicant's acknowledge that there will be a significant impact on the setting of Greenane House.
- Impact on Esterel, a Protected Structure.
- Visual Impacts/Impacts on surrounding architectural conservation areas
- Graduated reduction in height has minimal impact in reducing dominant appearance
- Height should be reduced by one storey/the distance from Temple Square should be increased
- Proposed density is excessive having regard to the criteria in the Apartment Guidelines (2020)
- Impact of historic landscape of Parlmerson Park
- Proposal would lead to adverse visual impacts
- Block should be reduced to the 16m height limit for the area
- Applicants acknowledge that the impact of the 4 and 8 storey blocks is significant
- No contiguous elevation from Temple Square/Orchard Road
- No 7th and 8th Floor Plan of Block A

- Trees should not be used as camouflage for excessive development/ Impacts of screening by trees is reduced in the winter months
- The site is an outer suburban area/inappropriate for an 6-8 storey height (with reference to the Building Height Guidelines)
- Height Guidelines state a height of 3 to 4 storeys in locations outside of city and town areas
- Height proposed is excessive in the context of the surrounding conservation area and in the context of the protected structures of Oldham House and Greenane House/will dominate both protected structures
- Views provided are misleading
- Impact on curtilage
- Material contravention is not justified
- 19 Protected Structures on Temple Road/34 Protected Structures on Dartry Road
- Block A is 10m above the permitted height limit at 16m/out of keeping with the residential setting
- Proposed height of Block A is not justified in terms of urban design location
- Proposed development is oppressive, domineering and represents an over development of the site,
- Vastly over-scaled relative to its context
- Increasing housing densities does not necessarily mean high rise
- Applicant's cite precedent of the previous (2000) high rise development at Trinity Hall/development was limited to five stories/principally located along a major traffic axis on the western side of the total property/less impact on residential amenity
- Applicants could achieve 80% of the bed-spaces sought if their proposal grew in height from three to seven storeys, rather than four to eight.
- Density is not in line with either the existing or draft Development Plans/Section 15.13.1 of the latter specifically states that purpose built student accommodation

should not have a concentration which would be detrimental to the established character and residential amenity of the locality.

- Development may be redundant for student needs due to a lack of demand/ will create precedent for inappropriate high rise housing in a neighbourhood
- Curtilage of a Protected Structure such as its parklands and gardens are also subject to protection under the provisions of the Planning and Development Act 2000 (as amended).
- Proposals will detract from the character and setting of the protected structures.
- Critical conservation issue is whether the proposal will retain and/or enhance the setting of these structures has not been sufficiently addressed in this instance.
- Visual dominance of the proposed development is evident from a review of the existing and proposed photomontages presented by 3D Design Bureau
- Required that Blocks B and C are set back further from the boundaries and that Block A is reduced in height
- Blatant disregard for the protected status of the adjoining dwelling/contrary to the building conservation policies and objectives of Dublin City Council and National Conservation Policy.
- Demolition impacts at shared Boundary Wall/long term structural impacts arising to the shared boundary wall/structural survey of the wall and their property should be undertaken both prior to, and after completion of any development.
- In the event of the proposed development being granted/request that the construction entrance be minimised to one only via Temple Road and via the south-eastern entrance to the east of their property.
- Density provided within the scheme is considered to be extreme and does not relate well to the site's environs.
- The taller blocks would negatively alter the character of the area and would set an unwelcome precedent for further development at similar scales. This would ultimately destroy the low-rise character of the area and reduce the quality of the existing dwellings.

- The proposed residential density and height is considered to be a significant overdevelopment which has had no regard to the environs;
- The proposed development fails to realise the impact of the entire development, mainly the impact of 1,282 bedspaces in the area;
- loss of the open lands within the curtilage
- Subject site is surrounded by sensitive residential areas.
- Overdevelopment;
- Significant historic, archaeological, scientific and cultural and artistic history associated with the Protected Structures.
- Rathmines has a very significant history/Battle of Rathmines is more of the most significant events in Irish History

#### Surrounding Residential Amenity

- Removal of trees which will impact on privacy
- Impacts from the construction phase, include noise, vibration and dust disturbance
- Noise levels will exceed significance thresholds of 65 dBL<sub>aeq</sub> 1hr
- Vibration has the potential to cause damage to the fabric of house
- Impacts on daylight/sunlight and overshadowing
- Overshadowing in the afternoon/fail to show impacts after 4pm
- Proposed new buildings are 15m closer and 1 storey taller than the current Cunningham House
- Impacts on skylight is close to the minimum specified under BRE recommendations
- No view provided from the west side of Temple Square
- View 9 does not fairly reflect the impact of the proposed building from this viewpoint
- Photos enclosed demonstrating impact of a building 15m closer to boundary wall



- Impacts on privacy
- Overlooking/Visual impacts
- Negative impact on amenity in a Z1 zoned site
- Major concern is that the 26m high Block A will dominate the two existing Protected Structures on the site and will overlook an extensive surrounding area.
- Resident of Temple Square South (No. 43)
- No CGIs of development looking from east to west
- Impact on privacy
- Overshadowing and loss of daylight/ lack of any Shadow Analysis after 16:00 and the lack of a September 21st Shadow Analysis/ No. 42 will receive no late afternoon or evening light at that time of year
- Loss of trees and health issues/existing mature trees contribute aesthetic and environmental value to the area/home to numerous birds and other wildlife
- Environmental and health impacts of construction including from dust.
- Existing anti-social behaviour from students
- Civil authorities do not have the resources to patrol the streets around Trinity Hall
- Impact on visual amenity
- Proximity to garden
- No reference to impact on Temple Square/would be more seriously affected by the proposal than any other location/no views from Temple Square have been included
- Impact on privacy of Temple Square
- No shadow images for July, August and September/no images after 16:00 hrs/significant loss of sunlight as a result of this proposal
- Construction of the proposed plan will have a negative impact on our quality of life and the quality of life of the people in the Temple Square housing complex
- Owners of the house at Temple Square, number 46/current proposal will seriously impact the quality of life for the residents of the Temple Square

complex/will be a new block 6 to 8 stories high, between 12 to 15 metres from the boundary walls as opposed to the current 3-storey Cunningham House situated 30 metres from the boundary.

- Impact on Privacy/removal of the existing trees
- Overshadowing/proposed block would cast shadow over the west-facing houses in the Temple Square complex after 4pm at summertime/report fails to provide an analysis of the shadow after 4pm
- Noise pollution and (potential) anti-social behaviour/the proposed blocks will be constructed around 15 metres away from the back of our house, and this 15 metre space will be used as a common area/back wall will be the only separation between our house and the students
- Deprivation of Sunlight especially in April-September/Impact on the evening sun
- Scale and Massing of Blocks A & B
- totally out of the character with the area/height for heights sake/two top floors of the 8 storey building there are only 16 bedspaces on each floor/How can that be economic
- Increase in traffic, noise pollution and instances of anti-social behaviour.
- Impacts on residential amenity on to the east/separation from existing housing is as little as 13.6 metres.
- Overlooking and loss of light/rear gardens of a number of houses on Temple Square West will no longer receive any direct sunlight on 21st March.
- Will be in contravention of the standard now being specified in Section 15.11.2 of the new Dublin City Draft Development Plan 2022.
- Back gardens on the western side of Temple Square will be overshadowed and lose over 3 hours more of daylight for the entire period from late-March to end September.
- Additional heating costs

- Does not deal with the issue of noise pollution/student residences generate very considerable noise/can be attenuated if the buildings are sufficiently separated from conventional housing,
- Houses already disturbed by the existing student development
- Have opportunities to use other landholdings
- Owner of Esterel (a Protected Structure) located immediately adjoining the application site/recent change in the use of the property from being an Ambassadorial residence to a private residential dwelling.
- Negative impacts at construction stage
- Proposal would be contrary to the zoning objectives of the subject site, the policies and objectives of the Dublin City Development Plan 2016-2022 and the Building Height Guidelines
- Negative impacts on the residential amenity and privacy at Esterel
- Esterel is located c. 11.9m from the proposed Block C (3 storey)
- The coach house is located c. 12.6 m from Block B (4 storey)
- Overlooking from Blocks A and B/from Balcony of Block C/level of visual intrusion is too significant to warrant a grant of permission in this instance/need for Block B to be set significantly back from their joint boundary and that the angled windows are re-orientated or alternative mitigation proposed.
- We also note that there are two existing trees/removal of screening will significantly diminish residential and visual amenity
- Noise disturbances being generated from communal spaces
- Proposed development will result in a substantial loss of trees/include trees at the eastern boundary between Esterel and the subject site/provide an important function at this location in that they provide screening/removal will lead to overlooking and negative visual impacts from our clients property.
- Contravention of Dublin City Development Plan and Zoning Objective particularly in relation to the protection of existing residential amenities.
- Overbearing Impact

- The proposed development is located in close proximity to the shared boundary lines of several dwellings to the east/visually obtrusive and overbearing due to its location and close proximity to the existing dwellings.
- Proposed development is overbearing, visually intrusive and permits overlooking on the neighbouring properties.
- Reduction in light in the majority of the dwellings which have been assessed.
- Study fails to address evening shadowing
- Numerous dwellings will be affected by the overshadowing of the proposed development.
- There an average 17% annual reduction and 24% winter reduction of annual probably sunlight hours amongst the homes at Temple Square/11 no. of those residences will experience 'negligible effects' of daylight annually/5 no. residences will experience minor effects/most pressing concern is regard to the winter months where at least 3 no. residences will experience major effects from the proposed development/4 no. dwellings will experience moderate effects and minor effects respectively.
- Have been aware of loud and sometimes anti-social behaviour from existing site
- Proximity to 44 Temple Square/new distance will be 17 metres and just to the north the corner "tower" will be about 13 metres away..
- Planned to have a recreational area right up to our back walls. This will be a major effect on amenity.
- Height and proximity of the East Wing of Block A/Impact on daylight and sunlight/No photomontages from rear gardens

#### Traffic and Transportation

- Overprovision of car parking which will add congestion to an existing low capacity road network, thereby creating traffic hazards and congestion.
- Site does not have the transport capacity that can adequately cope with an increase of the resident population on this small site to 1,300 students

- Additional pressure on public transport services/demand is over capacity /Many of the bus routes would not be utilised by students to any meaningful extent, other than the 140 route
- There is a main access to the campus beside the Brazilian Residence (Esterel House)
- Existing 140 Bus route will no longer operate from Palmerstown Park with BusConnects
- Luas is now so overcrowded that boarding inbound at Milltown is virtually impossible
- The proposed development provides for 358 no. bedspaces which will create an unsustainable demand on the existing public transport infrastructure which is currently operating at capacity/not considered that the additional demand can be accommodated
- Traffic and Public Safety hazards due to the significant number people in one area/public safety concerns due to the high volume of traffic anticipated to enter and leave the site.
- The development will require car ownership given its distance from Trinity College and the City Centre/risk of overspill parking

#### Ecology/Trees/EIA Screening/AA

- Previous application in October 1999 for 830 bedspaces submitted an EIS on the basis that there more than 500 dwelling units/the submitted Environmental Report fails to disclose this
- Clear that Trinity and the EIS Consultants determined that each bedroom was considered to be a dwelling unit
- In relation to Student Specific Accommodation (SSA), the Residential Tenancies Board treat each individual room as a dwelling/has been determined by a Private Residential Tenancies Board Tribunal
- Proposed development is described as an 'expansion' or 'extension' of the existing student accommodation.
- Proposed development would result in a total of 362 dwelling units

- It is stated that there is 178 existing 'units', with a combined total (existing and proposed) of 232 'units'. This is a misrepresentation.
- Proposal represents a 45% increase in the number of dwelling units, and is equivalent to 72% of the 500 unit threshold/as such the threshold in Class 13(a) Part 2 of Schedule 5 to the 2001 Regulations is exceeded/an EIA is required.
- Assessment of cumulative impacts ignores the existing Trinity Hall Campus/this is incorrect.
- Do not concur with the analysis as contained in the submitted legal opinion.
- Recent Section 5 Declaration (307667) determined that the addition of 30 no. apartments to the development is development, and not exempted development/New EIS is required in respect of these changes/support by recent Court of Appeal Judgement
- Application should be rejected/does not comply with EU environmental laws and/or Irish legislation enacting such laws.
- Cumulative Impact -Board is obliged to consider the cumulative impact of the entirety of this development on its surrounding environment/housing 1,282 students on a 4 hectare site, in buildings over 25m high, constitutes an extreme overdevelopment of the site.
- EIAR required for the development
- Trinity have not complied with EU environmental law/breach of constitutional rights
- The entire development is unauthorised/Unauthorised development on site including /amended roof forms/boiler houses/boiler flues/ESB substation in breach of EU environmental Directive 85/337 and 97/11
- Buildings are higher and bulkier than approved/Buildings 1 and 2 have an extra floor added to them
- No enforcement action has ever been taken
- Original site was overdeveloped

- Planning Authority was unable to grant retention permission for a development that required an EIAR
- No legally possible for the Board to allow a development to be extended and integrated when the existing development is unlawful
- Breach of planning conditions that have previously been imposed by the Board
- Visual impact of the existing boilerhouses
- Requirements of EU Directive 97/11 have never been met.
- Impact on Trees/Impact on the Botanic Gardens/Concerns expressed by the Director of the Botanic Gardens
- Cutting down of 20 trees should not be permitted
- Impact on the arboretum/plant collections will have be completely changed
- Impact of overshadowing on trees/Climate change impacts
- Require clarification on exact number of trees to be removed/conflicting information in the submitted reports
- Loss of Mature Trees
- Loss of mature ash, beech and sycamore between our houses and Cunningham Hall/large trees on our boundary/will just deprive us of more light.
- Loss of trees/habitats
- Tree Removal
- It is difficult to see how the tree removal proposals within the subject site align with Trinity's ten year strategy for the gardens at Dartry
- Proposed tree removal within the subject site is contrary to section 4.10.6 and section 3.3.1 of the Dublin City Development Plan 2016-2022.
- Screening for Environmental Impact Assessment/refer ABP to the recent judgment by Justice Humphrey on 10th May 2021 in Waltham Abbey Residents Association v An Bord Pleanala & Ors /list of items that should be considered as part of the screening exercise as set out in paragraph 22 of the

judgment/screening report submitted as part of the proposed SHD development should be scrutinised in this regard.

- Inadequacy of the Bat Surveys Undertaken/both surveys were conducted in mid-April and late-September/both of the surveys are outside of the summertime period when bats are most active (May to mid-September)/this is the recommended times for bat surveys identified by Bat Conservation Ireland/robustness of the assessment
- Proposed development has not conducted an EIA screening and a risk assessment of the impacts on population and public health fails to comply with the requirements of the EIA Directive 2014/52/EU
- Removal of Mature Trees
- Inconsistencies presented in the Masterplan in relation to the existing trees on site. In Figure 17.0, it is indicated that only 5 no. trees will be retained along the eastern boundary
- Not clear when tree replanting will take place

#### Other Issues

- Climate Change - Development will also impede on Ireland's climate action targets by increasing the level of carbon dioxide reaching the environment/further exacerbated by the loss of trees to accommodate the scheme/ Will contribute to climate change via the introduction of additional carbon monoxide to the atmosphere.
- No dimensions on the plan/will double beds accommodate 2 people/potential occupancy needs to be clarified
- During the construction phase there will be a loss of 70 student bed spaces/8 staff apartments , for 3 years/few students currently in residence in Cunningham House
- Impact on property values of houses on Temple Square
- Conflict in the numbers of bedspaces
- Public Health Risk/ Insufficient dimensions on the drawings/no indications of floor areas/self-isolation is not possible/access is possible to all bathrooms by all



students/communal space is located in a long and narrow room/Has not accounted for Covid 19 Risk/Risk of transfer of Covid 19 to the neighbouring community/Housing should be resilient in the face of future virus threats

- Lack of/inadequate consultations on proposal
- Lines of site boundary and site ownership on drawing no. P18-051D-RAU-ZZ-ZZ-DR-A-ELE-2203 is not accurately drawn/should be deemed invalid on this basis
- There is a complete lack of details with regard to the housing density within the planning application materials.
- Existing Non-Compliance of Student Accommodation - Summer Accommodation webpage for Trinity College/constitutes gross non-compliance/websites like Booking.com allow anyone to book a room at the college with ease/As per the requirement of condition under the planning permission granted 16th July 2018, (Reg. Ref. 3674/17 and ABP Ref. 300133), the proposed development 'shall only be occupied as student accommodation' and 'shall not be used for any other purpose without a prior grant of planning permission for change of use'.
- No planning application modifying the design has even been made
- No open area for socialising or outdoor exercise

## **8.0 Planning Authority Submission**

8.1.1. Dublin City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. I have summarised this submission below.

- The majority of the site is zoned Objective Z1 Sustainable Residential Neighbourhoods which seek to 'To protect, provide and improve residential amenities'
- A small portion of the site, associated with Greenane House and its curtilage is zoned Objective Z2 Residential Neighbourhoods (Conservation Areas) which seeks 'to protect and/or improve the amenities of residential conservation areas'.
- Student accommodation is not listed as either permissible or open for consideration under the Z1 and Z2 zoning objectives. However, residential use is

acceptable in principle under this zoning objective and consistent with the vision for Z1 zoned lands.

- For the purposes of SHD, student accommodation is defined as 'residential development under the Planning & Development (Housing) and Residential Tenancies Act, 2016. On this basis, it is considered that the proposed student accommodation is permissible on Objective Z1 land.

#### Impact on Residential Amenity

- In relation to No. 3 Temple Road in terms of overlooking, overshadowing and overbearing, the Planning Authority is satisfied that the separation distance, boundary treatment coupled with the design of the proposed development, will ensure that the residential and visual amenities of both dwellings within the site boundary of No. 3 Temple Road are protected.
- In relation to Temple Square to the east of the site, the planning authority considers that the proposed development will not have a negative impact on the residential amenities currently enjoyed by the residents of these properties having regard to the separation distances of the 4 storey element of the proposal.
- The Daylight, Sunlight and Overshadowing Study notes that the proposed development will result in no additional shading to the properties on Temple Square for the majority of the time with minimal additional late afternoon shading for some properties in March and December/proposal will result in some minor early morning shading of the garden space of Esterel with no additional shading in the afternoon. Overall, the development will have a minimal adverse effect on the adjacent properties, exceeding the BRE guidelines.
- New trees are proposed to be planted between Block B and the south boundary wall of the Trinity grounds which will reduce the imposition of the new building on the amenities of properties along Temple Road. It is also proposed to plant new trees in addition to existing trees along the boundary of the site with Temple Square, which will further protect any properties in Temple Square from overlooking.
- No negative impacts to the existing residential amenity of neighbouring property as a result of overshadowing, overlooking or overbearing appearance will occur.

### Height and Scale

- The proposed development exceeds the maximum building heights provided for in the development plan with a maximum height of 26 metres for the 8 storey element of the proposal.
- Statutory Height Guidelines issued by the Department of Housing, Planning and Local Government in 2018 now form the basis of assessment for building height in the city, and require building height to be assessed in accordance with a range of criteria/applicant notes that the criteria have been addressed in the Material Contravention Statement submitted.
- Having regard to the existing context of the site with considerable building height already constructed (7 storey), the location of the 8 storey element of the proposal and the design and finish of the scheme, it is considered that the visual impact of the proposed development is acceptable and that the scale of the development proposed can be accommodated at this location without detriment to the visual amenities of the area.
- The Planning Authority has no objection in principle to the height proposed, having regard to Urban Development and Building Height Guidelines for Planning Authorities December 2018/acknowledges that there are already seven storey student accommodation buildings on the existing campus.

### Minor changes to previous scheme

- Changes to the design of the proposed buildings have been introduced to maximise daylight and sunlight provision to the proposed student accommodation/Window sizes have been increased to improve daylight provision within the living/kitchen/dining areas and bedrooms. The applicant's Daylight, Sunlight and Overshadowing Report, states that 99% of the testes rooms achieve the required ADF values required by the BRE Guidance. The Planning Authority considers that the increase in the size of windows is minor and does not have a negative impact on the overall design and appearance of the development. The improved ADF results are welcomed.

### Impact on Trees (see also report from the Parks and Landscape Services)

- Concerns raised in report from the Parks and Landscape Services are noted/having regard to the number of trees to be planted in lieu of those to be removed, the mitigation measures outlined in the submitted reports with regards to tree protection and the correspondence from the Director of Trinity Botanic Garden, the planning authority is satisfied that the proposed development will not have an unacceptable impact on the existing trees within the arboretum.

#### Conservation/Impact on Protected Structures

- The report of the Conservation Officer notes the proposed augmentation of the established student residential accommodation on this site is accepted. The Conservation Officer recommends that the Protected Structures are carefully inspected and that any conservation repairs required are identified and executed, to ensure the continued survival of the historic fabric of the Protected Structures e.g. roof works, rainwater goods, refurbishment of historic windows and doors, decorative ironwork, wall surfaces etc.
- The Conservation Officer also raises concerns regarding the element that rises to 8 storeys and recommends that this is reduced to 6 storeys. The Planning Authority notes that there are buildings of 7 storeys within the existing complex and notes that the taller element of Block A is a distance from the Protected Structures.
- Transportation – See summary of report from the Transportation Department below

#### Other Matters

Archaeology – Conditions recommended

Drainage – Note the contents of the Site Specific Flood Risk Assessment

#### Material Contravention

- Statement of Material Contravention is noted  
Height
- The Statement of Material Contravention refers Section 16.7 of the City Development Plan and notes that the proposal exceeds Figure 39 and Section 16.7.2 that permits a height of up to 16 metres in the Outer City. The Planning

Authority notes that the applicant refers to the Urban Development and Building Heights – Guidelines for Planning Authorities and accepts that there are 7 storey buildings within the existing complex.

#### Car Parking

- The Transportation Division have raised no objection to the zero parking provision for the proposed development.

#### Maximum Student Accommodation Standards

- The Planning Authority notes that the larger rooms for persons with disabilities contribute to larger floor areas.

### **Conclusion**

- On the basis of the information received it is considered that the proposed student housing development is considered acceptable at this location.
- In the event of An Bord Pleanála deciding to grant permission, the Planning Authority requests that conditions be attached.

### **Internal Reports**

#### **Conservation Officer**

- Proposal to increase the number of student residences is supported in principle.
- Existing 20<sup>th</sup> Century building is of little architectural interest/environmental considerations of demolition require consideration
- Modest shed within the rear garden of Greenane is of little architectural significance
- Loss of remains of rear garden and setting of Greenane including the historic rubble boundary wall is regrettable/recommended that fabric from the wall is incorporated into the new landscaping works/used in the repair works to the historic boundary wall on Temple Road
- Detailed/revised drawings for works to Protected Structures/Boundary Walls required
- Amended location or revised proposals for bin store recommended

- Significant impact to the setting of Esterel House/will alter the character and feeling of privacy in the garden
- Principle concerns related to the loss of or damage to existing mature planting/strong sylvan character of the subject site/mature planting are in inherent part of the special character of the Protected Structures
- 20 of 47 trees are to be removed/every effort should be made to minimise the removal of trees on the site/to ensure that adverse impacts on retained trees is avoided.
- Proposed approach to the setting of the protected structures – landscaping works – is supported in principle/hard paving should be kept to a minimum
- Proposed 8 storey building is excessive/maximum height should be 6 storeys/not exceeding the height of the highest mature trees within the arboretum/reduction in height will reduce the adverse impact on the setting of the Protected Structures
- Proposed Materials are acceptable in principle.
- A condition survey of the Protected Structures on site should be carried out and critical conservation works should be carried out as part of the development.
- Setting of the Protected Structures with the site have been incrementally altered with each development/significant alteration of the rear setting of Greenane is noted in particular
- Conditions recommended if permission is granted including, but not limited to, a condition requiring the reduction in Height of Block A from 8 storeys to 6 storeys.

#### Transportation Planning Division

- Impact of revised entrance on existing street tree is not clear
- Only emergency access is considered acceptable via the south eastern entrance
- Loss of approximately 10m in length of on-street car parking/loss of 2 no. on-street spaces is acceptable in principle
- Works to the public domain to be agreed with the Planning Authority
- All refuse storage and collection should take place within the site

- Principle of car free student accommodation development is acceptable/non-provision of parking for the four staff apartment units is also acceptable/reduction in parking is also considered acceptable having regard to measures outlined in the MMP
- Revised Student Accommodation Management Plan (SAMP) should be submitted
- Quantity of cycle parking acceptable/condition required to improve security measures for the cycle parking.
- Agree with the conclusion in the Environmental Report that the proposed development is not likely to result in significant traffic and transport effects
- Conditions are recommended in the event of a grant of permission.

#### Environmental Health

- Conditions recommended related to noise/air quality control at construction and operational phases

#### Parks

- The proposals are well developed and include compensatory tree planting with new arboretum specimens, restoration of gardens to protected structures, sustainable urban drainage proposals, biodiverse lawns, vertical greening and green roofs.
- The potential for external recreational spaces for students does not seem to have been included.
- Have previously requested that a buffer zone should be created between the construction zone of the proposed development and the arboretum collection, to fully protect and conserve the tree collection/has been disregarded by the applicant/development will adversely impact on the arboretum.
- Direct impact on trees in the arboretum due to the location of Block A/includes transplanting of trees/partial removal of canopies/encroachment into tree root zones/removal of one tree
- Transplanting of trees is not always successful

- Reduction in daylight to the arboretum with subsequent impacts on same
- Balance between development and conservation of the arboretum has not been achieved under this application/consider that the application site is large enough to hold a suitable quantum of development while having no significant impact on the arboretum/suggest omission of Block A/Relocation of Block A with height reduction to the height of the other proposed blocks
- Will also result in the loss of 47% of all trees on the site
- Green roofs should be provided
- Further consideration should be given to active recreation/revisions to masterplan should be considered
- Provision of public open space is not provided for/Board may wish to assess this requirement in light of the order of the High Court
- Development is contrary to the City Development Plan and the City Tree Strategy
- Contrary to the Dublin City Parks Strategy
- Advise ABP to seek a better and more considerate development layout proposal from the applicant
- Draft Conditions are suggested

#### Waste Regulation & Enforcement Unit

- Additional details in relation to waste proposals required

#### Drainage Division

- No objection to the development subject to conditions.

#### Archaeology

- May impact on subsurface archaeological deposits within the subject site.  
recommend predevelopment archaeological test excavation is undertaken
- Conditions recommended

#### **Elected Members**



- Height proposed is excessive/in contravention of Development Plan/out of character with surrounding area which is predominately low-rise and contains hundreds of protected structures.
- Greedy application as they were looking for one-third higher than what was agreed in the Development Plan.
- One member stated 8 stories is not very high when you look at the width of the roads adjoining the site/set back from same/proposed development could not be rejected on those grounds.
- A cluster of 8 people/having to share 4 showers/impact of Covid 19
- Site is zoned as Z1/only reason this small site was zoned as Z1 was because it is was institutional/everything around is Z2/should be assessed in accordance with Z2 zoning requirements.
- Questioned what was the rationale for accepting this application without an EIA when it would appear that the High Court had overturned the previous decision of the Board to grant permission for a development which was not materially different to this one, because an EIA was not submitted/was further pointed out that the Board has consented to having the decision quashed in that instance.
- An EIA report should have been submitted with this application.
- As the changes to the size of Building 2 and Building 3 that were the subject of the S5 Declaration were not assessed in the October 1999 EIA, An Bord Pleanála is required to have Trinity prepare a revised EIA in respect for these changes, and therefore this application should be rejected.
- Chair of the committee had received representations expressing the view that ABP would in breach of European Regulations if it were to grant permission in the absence of an EIA.
- Concern was also raised that the applicants had been allowed to progress directly to Stage 3 (SHD Application Stage) skipping stages 1 and 2 (Pre-Application Stage)/ pointed out by the area planner that the Board would normally permit this where there was no material change to the proposed development/regard could be had to the Boards Pre-App Opinion regarding same.

- Contravenes the Heritage Guidelines for Local Authorities
- If it was affordable housing and was sympathetic to the surrounding area and protected structures, it would not be an issue.
- Serious implications for the Botanical Gardens as there would be a shadow on the gardens for two thirds of the year.
- Substantial student accommodation throughout the city centre and in closer proximity to Trinity College/questioned if there is a need for further student accommodation in South East Area.
- A survey should be carried out to determine what level of student accommodation is required to service the various colleges in the city. It was questioned if this application was informed by any such survey to determine how much student accommodation is actually needed. The demand probably exceeds what is either planned or in development at this stage.
- Aware of the complaints with regard to rowdy behaviour of students/the impact of increasing the total no. of bed spaces by 358/manner in which it is being managed by TCD at present would not give confidence to local residents.
- One of the members stated that he fully supported this application/would significantly help resolve the issues in relation to shortage of student accommodation in the city.
- Another member stated that if a change of use were permitted this accommodation could be let to tourists during the summer months which would free up our medium to short-term accommodation.
- This argument was opposed by other members stating that the area was not geared up for or suitable for tourist accommodation.
- Concern was expressed that the high cost of building this student accommodation would mean that many students would be priced out of the market
- A lot of these student accommodation schemes are underutilised because of affordability issues/owners are being granted permission for a change of use to tourist accommodation in order to sustain these high rents.

- Currently cost €900 per month for students in Trinity Hall and a little less in shared accommodation which is not affordable for most students in the city.
- Concern was expressed about proposals to remove 42% of the existing trees which was stated to be excessive and would take a very long time to replace.
- The view was expressed that the City Council should not be supporting SHD applications such as this which are being rushed through as the deadline approaches for the end date of current SHD process.
- Disappointment was expressed that an educational institution such as TCD have departed from their ethos and ethics/ethics of the proposed development is all wrong in allowing institutional land to be used for this purpose.
- Lack of consultation.

## 9.0 Prescribed Bodies

### Department of Housing, Local Government and Heritage (Development Applications Unit)

Archaeology– Recommend conditions

Nature Conservation-

- Note 20 trees to be felled including a number of mature trees/4 trees to be transplanted/10 bird species recorded.
- Note contents of the bat surveys.
- Note concerns in relation to impact on the arboretum and applicant's response to same.
- The possibility of the development proposed negatively impacting on the conservation role of the Trinity College Botanic Garden should therefore be taken into account when evaluating the present proposal, especially as the botanic garden is one of only four such institutions in Ireland.
- Conditions recommended as follows:
  - That any removal of trees or shrubs from the development site and the transplantation of trees within the Trinity Hall campus should only take

place between the 1st of September and the end of February, ie outside of the main bird nesting season.

- Reason: To avoid the destruction of the eggs and nestlings of birds protected under the Wildlife Acts, 1976 to 2018.
- That the measures to impact of the proposed development on bats proposed in the Ecological Impact Assessment and the Environmental Report submitted in support of this application should be implemented in full.
- Reason: To conserve bat species which are afforded a regime of special protection under the Habitats Directive (92/43/EEC).

#### Irish Water

- Recommend conditions

## **10.0 Assessment**

10.1.1. The main planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development
- Design and Layout including Height/Conservation/Visual Impact
- Surrounding Residential Amenity
- Residential Amenities/Residential Standards
- Traffic and Transportation
- Ecology/Trees
- Flood Risk
- Site Services
- Other Issues
- Planning Authority's Submission
- Material Contravention

## **10.2. Principle of Development**

## Zoning

- 10.2.1. The majority of the site is zoned 'Objective Z1' which seeks 'to protect, provide and improve residential amenities'. A smaller portion of the site is zoned 'Objective Z2' which seeks to 'protect and/or improve the amenities of residential conservation areas'. As set out in a number of observer submissions on the application, student accommodation use is not listed as 'permissible' or 'open for consideration' under either of these zoning objectives. However, under the Planning and Development (Housing) and Residential Tenancies Act 2016, student accommodation is defined as 'residential development'. As such, given that residential development is permissible under both Objectives Z1 and Objectives Z2, the proposed development is acceptable in principle, having regard to the zoning objectives for the site, subject to considerations as relates to the impact on residential amenities and the quality of residential amenity provided by the development. This position is supported by the Planning Authority, who have accepted that the proposed student accommodation is permissible on the site.
- 10.2.2. I note that an observer submission has noted that there is an explicit reference to 'student accommodation' as being open for consideration in Z15 (Institutional and Community) zoned lands whereas this is not referenced in any other use matrix associated with any other zoning. However, the fundamental issue in my view, is as per the discussion above, is that student accommodation falls under the category of 'Residential' and is therefore in compliance with the zoning objectives pertaining to this site, notwithstanding the specific reference to student accommodation in the Z15 land use matrix.
- 10.2.3. I note that 4 no. staff apartments are proposed within the development (3 no. 2 bed apartments and 1 no. three bed apartments), located in Blocks A and C. These are proposed to be occupied by assistant wardens, who are either members of the college staff or mature students. I am of the view that these units are ancillary to the proposed student accommodation use, as there are occupied by staff members who have an integral role in the management of the student accommodation, and are not designed to be standalone dwelling units. As such the principle of same is acceptable, having regard to the zoning considerations above.

National Regional and Local Policies on Student Accommodation/Locational Requirements for Student Accommodation

- 10.2.4. Notwithstanding the concerns raised by Elected Members and by some observers in relation to the need for additional student accommodation, I note that the National Student Accommodation Strategy 2017 identified a chronic undersupply of student accommodation and states that demand for student accommodation is likely to outstrip supply until 2024. The Government's Rebuilding Ireland Action Plan notes the importance of providing well designed and located student accommodation to meet growing demand and avoid additional pressures in the private rental sector (standard housing).
- 10.2.5. Section 6.6 of the NPF states *“Demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas in particular. In the years ahead student accommodation pressures are anticipated to increase. The location of purpose-built student accommodation needs to be as proximate as possible to the centre of education, as well as being connected to accessible infrastructure such as walking, cycling and public transport.”*
- 10.2.6. In relation to same, I note that the site is approximately 4km from the main campus of TCD, located in the city centre,, but is within an established existing student accommodation campus that has historically served the main campus, and is served by high, quality, high capacity public transport infrastructure in the form of the Luas line, with accessible pedestrian connections to same (see detailed discussion of same in Section 10.3 below). As such I am satisfied the location of the proposed development is broadly compliant with the provisions of the NPF.
- 10.2.7. I note also that the provision of student accommodation is also supported by Pillar 4 of the Rebuilding Ireland Action Plan and the recently published Housing for All.
- 10.2.8. In relation to the local policy, Policy CEE12 (ii) of the Dublin City Development Plan 2016-2022 seeks to promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors. Section 6.5.5 'Employment, Enterprise and Development Sectors of the Development Plan states that there is a growing shortage of student accommodation. Policy CEE19 (i) seeks to 'To promote Dublin as an international education centre/student city, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges

(including English language colleges) and high-quality, custom-built and professionally-managed student housing. Policy CEE19 (ii) 'To recognise that there is a need for significant extra high-quality, professionally-managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities'. The provision of student accommodation, such as that proposed here, is in line with the above policies.

- 10.2.9. Section 5.3 of the Dublin City Development Plan 2016-2022 states that there is a pressing need to facilitate a significant increase in housing output whilst creating high-quality accommodation to address a range of housing issues, including homelessness. In this regard, the Development Plan seeks to facilitate, where appropriate distinct components which are developing within the housing market including *inter alia* student accommodation. Section 5.5.12 'Student Accommodation' states the following:

*To plan for future expansion of third-level institutions and to accommodate growth in the international education sector, there is a need for appropriately located high quality, purpose-built and professionally managed student housing schemes, which can make the city's educational institutions more attractive to students from Ireland and abroad, and can also become a revitalising force for regeneration areas.*

- 10.2.10. As such, and contrary to some observer submissions on the applications, it is not envisaged that student accommodation is limited to regeneration areas only, although such accommodation types are viewed as helping to revitalize such areas.

- 10.2.11. Policy QH31 sets out policy requirement in relation to location of student accommodation and for the purposes of comprehensiveness I have set out the full text below:

*To support the provision of high-quality, professionally managed and purpose built third-level student accommodation on campuses or in appropriate locations close to the main campus, in the inner city or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards.*

10.2.12. The Planning Authority has not objected to the principle of additional student accommodation on this site. I note that there is existing student accommodation on the site, and as such the suitability of the site for such a use has already been established. Although it is not the main campus, the site also accommodates facilities used by TCD's Botany Department, including a botanic garden, and teaching and research space, as well as the existing student accommodation, and is owned and run by Trinity College Dublin, and as such can be considered as a campus of TCD. As such the location of student accommodation on the site is supported by Policy QH1, subject to considerations as relates to residential amenity (which I have considered in Section 10.4 of this report) and subject to considerations in relation to the character of the surrounding area (which I have considered in Section 10.3 of this report). I have considered the location of the site relative to surrounding transport services in Section 10.3 and 10.6 of this report.

#### Concentration of Student Accommodation

10.2.13. Variation No. 3 of the Dublin City Development Plan amended Section 16.10.27 'Guidelines for Student Accommodation' to read:

*'The applicant will be requested to submit evidence to demonstrate that there is no an over-concentration of student accommodation within an area, including a map showing all such facilities within 1km of a proposal'.*

10.2.14. The applicant has submitted a Student Accommodation Concentration Report which states that the Trinity Hall Student Residences is the only third level purpose-built student accommodation facility identified within 1km of the site and is accompanied by a diagram/map illustrating this. It is also set out that that the student population within 1km of the radius of the site, with the development in place, will constitute 8.9% of the total population, which is significantly below the 30-50% range advocated by the Edinburgh City Council Guidelines, which is referred to within the Concentration Report as a best-practice guide to the analysis of student population concentration.

10.2.15. I acknowledge that the overall student population the site will increase from 924 no bedspaces currently, to a total of 1,282 bedspaces, an increase of 39%, and this increase is of some concern to observers. I note there is no definition within the plan of 'over-concentration' but I am satisfied that that the best-practice guide referred to



(Edinburgh City Council Guidelines) give an appropriate guide to what would be considered a maximum student population in one area, which is put forward as a minimum of 30% of an area (in this instance within a 1km radius of the site, as suggested by the provisions of the Development Plan, as varied). The total student population would constitute some 8.9% of the population within the 1km radius, which is well below the minimum of 30%, although it is a relatively significant proportion. However, impacts of the additional student population on site are limited by virtue of the fact that the site is professionally managed and entirely self-contained, with appropriate setbacks of the blocks from surrounding residencies with subsequent limited impacts on surrounding amenity (as discussed in detail in Sections 10.3 and 10.4 of this report).

10.2.16. Overall, I am satisfied that the applicant has demonstrated that there will not be an over-concentration of student accommodation in the area, in line with the provisions of the Development Plan (as varied).

#### Density

10.2.17. A number of observer submissions have expressed concern in relation to the scale and quantum of development on site (see Section 10.3 below for further discussion on same). Specific concerns are raised in relation to the proposed density of development and it is stated that the density is excessive, in particular having regard to the criteria as set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020). It is further set out that there is a lack of detail in relation to the proposed density within the application documentation.

10.2.18. I note that residential density parameters are not readily applicable to student accommodation proposals, given the nature and format of same. Dwellings per hectare can provide a broad indication of the intensity or form of development on a site, although other tools such as planning standards or plot ratio are more effecting in predicting or controlling built form on a site.<sup>1</sup> In this instance the student 'units' provided are in the form of 5, 6, 7 and 8 bedroom units, and clearly these cannot be equated to standard residential houses or apartments (which for the most part are 1, 2, 3, 4 and possibly 5 bed units – larger units than this are the exception rather than

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<sup>1</sup> As expressed in the Sustainable Residential Density Guidelines (2009).

the rule and are not generally incorporated within larger scale residential schemes). Therefore the quantum of development on the site is more appropriately assessed having regard to general planning standards (which include, but are not limited to, considerations of height, daylight/sunlight/overshadowing impacts on existing and future residents, open space provision and the specific student accommodation standards as set out in the Development Plan). I have considered also the plot ratio of the development below, which also provides a guide as to the acceptability or otherwise of the development proposed.

10.2.19. In relation to the applicability or otherwise of Section 28 Guidelines to the assessment of student accommodation specifically, I note the following;

10.2.20. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009) are silent in relation to student accommodation. I am not of the opinion that it is possible, or desirable, to apply the density standards therein to student accommodation proposals, given the limited usefulness in providing a density figure for student accommodation proposals, as discussed above. However, given that student accommodation is defined as 'residential' within the 2016 Act, the general guidance contained within these two documents are applicable to student accommodation, in my view, and where relevant, I have referred to this guidance in my assessment (for instance, when considering the guidance as relates to Institutional Lands).

10.2.21. The Sustainable Urban Housing: Design Standards for New Apartments (December 2020) apply to apartment developments and set out standards for same, including but not limited, to general locational considerations, apartment mix within apartment schemes, internal space standards for different types of apartments; dual aspect ratios; floor to ceiling height; Apartments to stair/lift core ratios; storage spaces; amenity spaces including balconies/patios; car parking and room dimensions for certain rooms. Given the specific format of student accommodation, with bedrooms clustered around a shared living/kitchen area with open space provided in the form of communal areas, the application of the standards within the Apartment Guidelines (2020) is not feasible, nor is it intended. In relation to locational requirements, the guidelines consider specific locations (i.e. central and/or accessible urban locations, intermediate urban locations and peripheral and/or less accessible urban locations)

that are suitable for particular type and/or densities of development. In relation to same, even it were considered that the Apartment Guidelines apply to student developments when considering locational criteria, it is not possible nor desirable to apply the density criteria within the guidelines to student developments, for the reasons as set out above. Moreover, when considering the appropriate mix of units to be provided within a particular scheme (SPPR 1 of the Guidelines refer), Section 2.21 of the guidelines note that the parameters as set out in SPPR 1 do not apply to purpose-built student accommodation, and note that Development Plans may specify appropriate standards for student accommodation, as is the case with the Dublin City Development Plan 2016-2022 (and as considered in Section 10.5 of this report). Section 3.5 of the guidelines also state that the floor area parameters as set out in SPPR 3 of the Guidelines do not apply to purpose built and managed student housing. Section 5.19 also states that the guidelines pertaining to Shared Accommodation/Co-Living Developments do not apply to student accommodation developments.

- 10.2.22. Notwithstanding, observer submissions have expressed concerns the general quantum of development on this site (including height) and subsequent impacts on residential and visual amenity. I have addressed these concerns in the relevant sections of this report.

#### Institutional Lands

- 10.2.23. The site could also be considered to fall into the category of 'Institutional Lands', given its ownership by Trinity College Dublin and given its current use as student accommodation campus with facilities on the site that are associated with the TCD Botany Department. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) note that 20% of such sites should be specified as 'open space' and it should be an objective to retain some of the open character of the lands (Section 4.20 refers). In addition it is stated that 'In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph). It is further set out that, in cases where there is no Local Area Plan in place to guide development of such institutional lands, application for development of institutional lands should be accompanied by a masterplan (Section 5.10 refers).

10.2.24. In relation to the Dublin City Development Plan 2016-2022, Policy QH1 states that the Council will have regard to various Section 28 Guidelines, including the 'Sustainable Residential Development in Urban Areas' (2009). Policy SN4, in relation to sustainable neighbourhoods also states that the council will have regard to, *inter alia*, 'Sustainable Residential Development in Urban Areas' (2009). Section 16.4 'Density Standards' of the Development Plan, states that the Council will promote sustainable densities in accordance with the standards and guidance set out in *inter alia* the 'Sustainable Residential Development in Urban Areas' (2009).

10.2.25. I have considered the applicability or otherwise of density standards to student accommodation proposals above, and I am not of the view that it is possible or useful to apply the density standards as set out in the 'Sustainable Residential Development in Urban Areas' to this proposal. However, the open space standards as set out in the guidelines may be applicable to this site and I have set out a detailed consideration of same in Section 10.5 (Student Accommodation Standards) and Section 10.12 (Material Contravention) of this report.

10.2.26. In relation to the potential requirement for a masterplan to guide development of these lands, I note that no specific masterplan explicitly responding to the contents of the Sustainable Residential Development Guidelines has been submitted. However, I note that, with this development in place, there is little left of the site to be developed. I note that there may be the potential for the redevelopment of other areas of the site at some future point (in a similar manner to the redevelopment of the existing Cunningham House) but this is not under consideration here, and to my mind, is not the purpose of a masterplan, which is generally considered to be a document guiding the appropriate development of larger undeveloped institutional sites, where development is to be delivered in a phased manner. Notwithstanding, the documents and drawings submitted, including the site layout plan and the landscape masterplan, do indicate the proposed development under consideration here, in the context of the existing wider TCD site, and indicate how the proposed development integrates with the existing development on site. I have considered the issue of any potential material contravention in Section 10.11 below.

#### Plot Ratio

10.2.27. Plot ratio is a tool to help control the bulk and mass of buildings. Such a standard can determine the maximum building floorspace area or volume on a given site but need to be utilised with other development control measures such as site coverage, building height, public and private open space and parking provision.

10.2.28. Section 16.5 of the Development Plan sets out Indicative Plot Ratio Standards and for Z1 and Z2 Outer City sites, the Indicative Plot Ratio for such sites is 0.5 -2.0. The plot ratio in this instance is 1.03, which is in line the plot ratio envisaged for this site (and is therefore in line with the envisaged building volume on the site). However as set out above, other relevant considerations include *inter alia* site coverage, building height, public and private open space and parking provision, in order to determine a suitable form of development for a particular site, and I have considered same in the relevant sections of this report.

#### Site Coverage

10.2.29. As noted within the Dublin City Development Plan, site coverage is a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. Section 16.6 of the Development Plan sets out Indicative Site Coverage for Z1 and Z2 site, with development within Z1 sites expected to achieve between 45% and 60 %, with development on Z2 site expected to have a maximum site coverage of 45%. The stated site coverage in this instance is 32%, lower than that envisaged for Z1 and Z2 zoned sites such as this one. As such the site coverage, when considered on its own, does not raise concerns in relation to potential overdevelopment of the site. However, other issues, including building height, proximity to surrounding developments and open space provision are also relevant here, and I have considered these issues in the relevant sections of this report. I have considered the issue of Material Contravention in Section 10.12 below.

### **10.3. Design and Layout including Height and Public Realm/Conservation/Visual Impact**

10.3.1. The proposed development generally comprises 4 no. connected blocks as follows:

- Block A is an 'L' shaped block forming the northern and (part) eastern sides of the proposed development with the Botanic Gardens to the north and Temple Square to the east. Block A is 4 storeys along the eastern edge rising in height to

6, and then 8 storeys along the northern boundary of the site. Study spaces/classrooms associated with the Botany Department, together with a student accommodation amenity space, are provided at ground floor level. A three-bed, staff apartment is provided at second floor level. The remainder of the floor space is for Student Accommodation uses over ground to seventh floor levels.

- Block B primarily fronts onto Temple Road and forms the corner with Block A to the east and the rear boundary of 'Esterel' (a Protected Structure) to the west. Block B is 4 storeys in height with student accommodation provided at ground to third floor level. Together Block A and B form a perimeter block and enclosing a central courtyard which will provide external amenity space for future residents.
- Block C is located to the rear of Greenane House (a Protected Structure) and north of the boundary with 'Esterel'. Block C is 3 storeys in height with a part lower ground and first floor level plant area of 55sqm. Ancillary student accommodation amenity spaces are provided at ground floor level with 3 no. 2 bed, staff apartments provided at second floor level.
- The 'Forum' building is located at the north-west corner of the site to the rear of Oldham House. This is a single storey building over an existing, partial basement level and comprises an indoor court/sports hall and covered podium amenity space which connects the proposed student accommodation with the wider Trinity Hall campus.

10.3.2. The proposed heights are predominantly 4 storeys rising to 6 storeys and 8 storeys. The maximum height proposed is 25.5m above ground level. I note the applicant has reported a maximum height of 26m above ground level, but this is not indicated on the submitted drawings, with a maximum height of 25.5m indicated.

10.3.3. The Planning Authority note that the subject site is located within the 'Outer City' area and 'low-rise' category in the current city development plan. Accordingly, a maximum permissible building height of 16 m (commercial and residential) above ground level applies on the site. The proposed development exceeds the maximum building heights provided for in the development plan. The Planning Authority note that the statutory Height Guidelines issued by the Department of Housing, Planning and Local Government in 2018 now form the basis of assessment for building height

in the city, and require building height to be assessed in accordance with a range of criteria, which have been addressed in the Material Contravention Statement submitted. The Planning Authority further state that, having regard to the existing context of the site with considerable building height already constructed (7 storey), the location of the 8 storey element of the proposal and the design and finish of the scheme, it is considered that the visual impact of the proposed development is acceptable and that the scale of the development proposed can be accommodated at this location, without detriment to the visual amenities of the area. The Planning Authority note that there are already seven storey student accommodation buildings on the existing campus and has no objection in principle to the height proposed, having regard to Urban Development and Building Height Guidelines for Planning Authorities December 2018.

- 10.3.4. Elected Members have raised concern in relation to the height of the proposal, although one Elected Member was supportive of same. In relation to the impact on Protected Structures, some Elected Members were of the view that the proposal contravenes the Architectural Heritage Protection – Guidelines for Planning Authorities (2011).
- 10.3.5. The vast majority of observer submissions raise concerns in relation to the height and scale and design of the proposed development and resultant impacts upon adjacent residential properties. It is generally felt that the height is excessive and overbearing and that the proposal represents an overdevelopment of the site. The low rise nature of surrounding development is highlighted. It is set out that the proposal is a material contravention of the Development Plan and there is insufficient justification for this, and it is set out the proposal does not comply with national policy and Section 28 guidelines, including the criteria as set out in Section 3.2 of the Building Height Guidelines. Impacts on visual amenity are also raised as a concern, in particular from those residential dwellings in close proximity or bordering the site. Some observer submissions suggest that the proposal should be pulled further back from the boundaries than currently proposed. It is set out that insufficient CGIs have been provided and that there is a lack of views from surrounding rear gardens and from Temple Square.
- 10.3.6. In relation to national policy on height, the National Planning Frameworks sets out that general restrictions on building heights should be replaced by performance

criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height on a particular site, over and above any specific restriction in height such as that set out in the Development Plan, such as that proposed here, is supported by the NPF, subject to compliance with the relevant performance criteria. Such relevant performance criteria can be found in Section 3.2 of the Urban Development and Building Height Guidelines (2018), which I have discussed below.

- 10.3.7. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018), referred to above. Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers). It is stated that increasing building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability (Section 2.3 refers). It is further stated that such increases in height help to optimise the effectiveness of past and future investment in public transport serves including rail, Metrolink, LUAS, Bus Connects and walking and cycling networks (Section 2.4 refers). The Height Guidelines also note that Planning Authorities have sometimes set generic maximum height limits across their functional areas. It is noted that such limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework. It is also noted that such limitations can hinder innovation in urban design and architecture leading to poor planning outcomes.
- 10.3.8. In relation to local policy on heights, the Dublin City Development Plan 2016-2022 sets out a range of permissible building heights for different areas in the City (Section 16.7.2). The subject site is located within the 'Outer City' area and 'low-rise' category. Accordingly, a maximum permissible building height of 16 m (commercial and residential) above ground level applies on the site. The maximum building height proposed in this instance is 25.5m above ground level. As such I am of the view the proposal represents a Material Contravention of the Development Plan, as relates to maximum heights, given the maximum height of Block A exceeds the maximum



permissible height of 16m above ground level. I have considered the specific issue of Material Contravention in Section 10.12 of this report.

10.3.9. SPPR 3 of the Building Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. As such, should the Board consider the proposed height materially contravenes the Development Plan in relation to height, and should they wish to grant permission, they are required to be satisfied that the criteria under Section 3.2 have been met, if they intend to rely on SPPR 3 for the material contravention.

10.3.10. Section 3.2 of the Building Height Guidelines sets out detailed development management criteria, which incorporate a hierarchy of scales, (at the scale of the relevant city/town, at the scale of the district/neighbourhood/street; at the scale of the site/building), with reference also made to specific assessments required to be submitted with application for taller buildings. In relation to same I note the following.

#### City Scale

*The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

10.3.11. The first criterion relates to the accessibility of the site by public transport and refers to the need for a high capacity, frequent public transport service. The site (from the secondary pedestrian entrance off Temple Road) is within 850m of the Milltown Luas Stop which equates to an 11 min walk. The Luas is a high frequency, high capacity transport service with services every 3-5 minutes at peak hours, and 12-15 minute frequency during off peak hours.<sup>2</sup> The Building Height Guidelines do not set out a distance that the site should be from the high capacity frequent transport service. However, a reasonable guide to same is the criteria set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020), which note that central and/or accessible urban locations include those sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas). The site is within 850m of the Milltown Luas stop. Furthermore, the

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<sup>2</sup> [Multilingual Luas Info /OR EN-MIXED Luas.ie info\\_rev.pdf](#)

Sustainable Residential Development in Urban Areas Guidelines (2009) define those sites that are *inter alia* within 1km of a light rail stop as being within a 'Public Transport Corridor'. As such I am of the view that the site can be considered to be an accessible urban location.

10.3.12. Specifically in relation to the capacity and frequency of the Luas, I note that the National Transport Authority (NTA), in their 'Transport Strategy for the Greater Dublin Area 2016-2035', describe the Luas as a 'high frequency, high capacity service, with trams operating at a frequency of up to every 3 minutes at peak hours'. It is also acknowledged, however, that significant investment is required to develop this system into a full network and provide the capacity required in the future. In relation to same, information on the NTA website sets out information in relation to Luas Green Line Capacity enhancement. Proposals include lengthening the existing green line trams to 55m length, plus the purchase of 8 additional 55m long trams. The 11.1m extension increases the length of the tram from 44m to 55m and increases passenger capacity by 30%. The extended trams will increase passenger capacity from 319 to 408. (89 more passengers per tram). I note also that "Figure 3.1 'Dublin Frequent Transport Services Map' of the strategy also includes the LUAS service.

10.3.13. As such, I am satisfied that the LUAS service serving this site can be described as a high capacity, frequent service, as per the NTA strategy. I am also satisfied that the Milltown LUAS stop can be accessed from the subject site via pedestrian links, being a reasonable walking distance and utilising a straightforward route over easy terrain. The LUAS services provide direct connections into Dublin City as well as interconnections to other public transport options via other stops, including to frequent bus services (as illustrated in figure 3.1 of the strategy).

10.3.14. Specifically in relation to bus services, I note the closest bus stop to the site is located on Dartry Road which is 30m from the main entrance of the site. This serves Bus Route No. 142 which runs between Portmarnock and Belfield via the City Centre. From Portmarnock to Belfield there are 5 services in the morning between 07:10 and 07:55 and from Belfield to Portmarnock there are 4 services between 16:35 and 17:35. As such this service is limited, and appears to accommodate travel to UCD in the AM and from UCD in the PM. The next nearest bus stop is located on Palmerston Park, approximately 22m from the main entrance of Trinity Hall. This

serves route No. 140 which runs between Palmerston Park and Ballymun via the city centre. This runs approximately every 20 to 30 mins at peak times. Reference is made to high frequency bus services within the application documentation (including within the planning report and Mobility Management Plan) but the site is not directly served by same. The nearest high frequency bus stop is located at Terenure Road East, some 960m from the site, and which serves the 15/15a/65 and 65 b. The 15 has a frequency of approximately every 10 mins and this can be defined as a high frequency route.

10.3.15. However, notwithstanding the limited bus services serving the site directly, I am satisfied that, having regard to the proximity of the site to Milltown Luas Station, and having regard to the capacity and frequency of the Luas trams, and having regard to the links to other public transport services that the Luas provides, the site is complies with the criteria within Section 3.2 of the Building Height Guidelines, as relates to public transport accessibility.

*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 views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*

10.3.16. In terms of the character of the area, the site itself is defined by the existing student accommodation on the site and the existing three no. Protected Structures on the site. The wider Trinity Hall site is relatively self-contained with little interaction with the surrounding streets. Existing Block 1 is 7 storeys. Existing Block 2 is 6 storeys and is located to the north-west of the site. Existing Block 3 varies from part-3 to part-5 storeys and is located to the south west. Cunningham House (to be demolished as part of this proposal) is 3-storeys in height and is located at the south-east corner of the overall campus.

10.3.17. The wider area is predominantly residential, dominated by larger two storey housing, with a limited number of 3 storey residential buildings. There is a standalone Protected Structure immediately adjoining the site, with an associated gate lodge (Esterel).

10.3.18. In terms of architectural and archaeological sensitivity, I note that a small portion of the site is zoned Z2 'Residential Conservation Area' and the adjoining site of Esterel is also zoned as such. Properties to north, east (further east of Orchard Road South) and west of the wider site are also zoned Z2 'Residential Conservation Area' and many of these properties are Protected Structures. A site of Archaeological Interest is indicated to the immediate north-east of the site. As set out in the Archaeological Impact Assessment submitted with the application, this is the site of Rathmines Castle (RMP No. DU022-087). There is no surface trace of this monument. I have considered the impact on same in Section 10.11 below.

10.3.19. There are no Architectural Conservation Areas, as defined by Section 81 of the Planning and Development Act 2000 (as amended) within the vicinity of the site. I note an Architectural Heritage Impact Assessment (AHIA) has been submitted with the application. This sets out that there are 3 no. Protected Structures on the wider Trinity Hall site (Purser, Oldham and Greenane Houses). As noted in the AHIA, Purser House, and the main structures of Oldham and Greenane Houses lie outside the proposed site boundary (as defined by the red line boundary on the submitted 'Site Location Map') and no works are proposed except to the glazed porch to the south of Oldham and the rear abutment at Oldham. Esterel House, also a Protected Structure lies outside but immediately adjacent to the site. The assessment states that this is the residence of the Brazilian Ambassador. I note an observer submission from the current occupier of Esterel states the house is now a private residence. The AHIA notes that 4 modern blocks have been constructed on the site around these four no. Protected Structures. A detailed description of each of the Protected Structures is set out in the report, as well as an assessment of the significance of the site and structures on the site. It is set out that *'none of the 4 no. Protected Structures is of outstanding architectural significance but they do represent individually a 'type' and collectively the development of that type over the second half of the 19<sup>th</sup> century'*. In terms of overall impacts, it is noted within the AHIA that the most significant change to the setting of Oldham House will be the new courtyard space to the south which it will share with Greenane. Above the courtyard will be the 8 storey gable of the north-west corner of the Quad student accommodation. It is set out that the proposed development has set the higher elements away from Protected Structures with height reductions to 2, 3 or 4 stories adjacent to site boundaries and

Protected Structures. The reintroduction of the landscaped setting of Oldham House and Greenane House is highlighted in the report and it is concluded that this will significantly enhance the setting of Oldham and Greenane Houses when viewed from the west and serves to re-establish the historic north-south relationship between these houses. The other significant change highlighted in the AHIA to in relation to Greenane House is the reduction in the rear garden of Greenane and the removal of 19<sup>th</sup> century eastern boundary wall, although this is mitigated by the creation of a landscaped space to the rear which maintains and emphasises the spatial independence of the structure. The removal of the existing sports hall building adjoining Oldham House is considered to allow the building to be more clearly read, and it is proposed to restore the windows, doors and render that were removed or altered by previous interventions to the house, and it is considered the proposal represents an enhancement of the existing condition at the rear of Oldham House. It is noted that the setting of Esterel House and grounds will be impacted as a result of development to the north and east of the back garden. Mitigation is set out in the form a reduced building height near the boundary, setting back of each building from the historic random rubble boundary wall, fenestration to avoid overlooking and planting of trees within the boundary separation zone. In terms of views towards the proposed development, and the associated impact on the setting of the Protected Structures and historical elements within and on the boundary of the site, it is concluded within the AHIA that the visual impact will be significant but is mitigated by the proposed adaptation of scale and considered architectural language and materiality. Given its location relative to the proposed development, it is set out that there will be a negligible impact on Purser House. Overall, it is concluded in the AHIA that the most significant impact will be the change in the visual context in which the Protected Structures sit, with inevitable impacts visually on Oldham, Greenane and Esterel. However it is concluded that the design demonstrates the requisite sensitivity, as noted above, with the appropriate adaptation of scale, materially and architectural style and the use of landscape to reinforce historical linkages and buffer spaces between old and new.

10.3.20. In relation to the conclusions of the report, I have considered the current baseline environment and the current setting of the three no. Protected Structures on site, and the current setting Protected Structure adjacent to the site, Esterel. The baseline

environment/current setting of the Protected Structures on the site, and adjacent to the site, is a developed site in which there are currently blocks of student accommodation, up to seven storeys in height. Greenane House has a small rear garden with a partial original rubble boundary wall, which constitutes its current curtilage. The curtilage of the remaining two Protected Structures on site are generally limited to the extent of their building footprint, given the level of modern development that has occurred around them. The current student accommodation blocks are visible in views from Temple Road, directly south of Esterel and the setting of same is also set within the context of existing development.

10.3.21. I concur with the conclusions of the AHIA in relation to the impact on Purser House, and I am of the view the impact on same will be negligible, given its location relative to the proposed new built form. I agree that there will be a visual change to the setting of the remaining three Protected Structures referred to above (Oldham, Greenane and Esterel). Internally from the site, looking east towards Greenane and Oldham House, there are clear views of the 8 storey element of Block A. However, as set out in the impact assessment, the slenderness of this element when viewed from this aspect mitigates the visual impact of same. The removal of the existing architecturally insensitive two storey sports hall, and the replacement with the single storey structure enhances the setting of both Protected Structures, as does the removal of the existing car parking in close proximity to both structures. I note the loss of some open space, the shed structure and the historic boundary wall to the rear of Greenane, which form part of the curtilage of Greenane, and I concur that the loss will have an impact on the setting of same. However I also concur that the impact is mitigated by the retention of an 8m setback to Block C and the introduction of landscaped open space to the immediate rear of Greenane. In addition, the reinstatement of original features to Oldham House will have positive impacts on same. In relation to the impact on Esterel, and its curtilage which includes the gatehouse, I note that there is no loss of curtilage of this property, although the I concur that setting of the Protected Structure and its curtilage will be altered, as described in the AHIA, as a result of development to the north and east boundaries of same. The setting of same will be altered, and in my view, primarily as a result of proposed Block B, which is located 6.7m from the boundary of Esterel and 12.6m from the Gate Lodge, and 38 m from the main house. However, as per the

discussion above, I have considered the current baseline environment of Esterel and its curtilage, with the setting of same set within the context of existing development on the Trinity Hall site, and I am of the view that the impact on the setting of same can be also be considered moderate. Overall, I am of the view that the impacts on the Protected Structures on the site, and adjacent to the site, are moderate, positive, irreversible and permanent. I do not necessarily concur with the view in the AHIA that the impacts are significant, although reference is made within the AHIA to mitigation in terms of design features, setback distances and reductions in height. The impacts are moderate in the sense that there will be alterations to their setting and a loss of some area of curtilage of Greenane House, but this impact is mitigated by the setback distances referred to above, the design quality of the proposal, the removal of unsympathetic additions to Oldham House, the reinstatement of original features to Oldham House, and the introduction of landscaped areas around Oldham and Greenane, with overall positive impacts on the setting of the Protected Structures on the wider Trinity Hall site. In coming to this conclusion, I have also had regard to the baseline environment and the current setting of the Protected Structures on site, which is as described above. The introduction of additional and replacement student blocks does not represent a markedly different context that that existing on the site, as described above. I share the view, as set out in the AHIA, that reductions in height close to the boundary and the setback of Blocks B and C, from Esterel, provide sufficient mitigation that reduce the significance of any impact on same, and I am of the view that there are no significant impacts on the setting of same (see also discussion in relation to visual impacts below and impact on surrounding residential amenity in Section 10.4 below, in relation to overlooking).

10.3.22. I have given consideration to the provisions of the Architectural Heritage Protection Guidelines (2011) which consider *inter alia* development within the curtilage of a Protected Structure (Section 13.5 refers) and the loss of gardens associated with Protected Structures (Sections 13.4.19 to 13.4.21 refer) can result in a detrimental impact on the character of the structure. In relation to gardens, special attention must be paid to formally designed gardens, particularly where they occur within the curtilage of the Protected Structure. I am not of the view that the existing garden to the rear of Greenane falls into this category. Notwithstanding, the guidelines set out that it should be ensure that significant landscaping, such as that proposed here, do

not affect the character of the protected structure or its curtilage. I have considered the impact of development within the curtilage and loss of rear garden on the setting of Greenane, and the impact of the proposed new landscaping on same, in my assessment above, and overall I am not of the view that the setting or character of Oldham House will be significantly impacted as a result of the loss of same. The Guidelines also consider how a development can impact on the curtilage and attendant grounds of a Protected Structure (Chapter 13 refers). I have considered the issue of the extent of the curtilage in the assessment above. In relation to attendant grounds, the guidelines note that these are *'lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation'*. It is also set out that a Planning Authority has the power to protect all features of importance within the attendant grounds of a Protected Structure, but such features must be specified in the Record of Protected Structures (RPS). No such features have been identified in the RPS. Notwithstanding, I am of the view that the application site, and the wider Trinity Hall site, are not particularly intrinsic to the function and setting of the existing 4. No. Protected Structures considered above, given the scale and nature of development that has occurred on the site to date, and as such could not reasonably be considered to be attendant grounds of the Protected Structures.

10.3.23. I have considered also Policy CHC 2 of the Dublin City Development Plan 2016-2022, which seeks to ensure the protection of the special interest of protected structures as well as. I have considered the impacts on the 4 no. Protected Structures on the wider site, and adjacent to the site above.

10.3.24. There are no key/protected views, as defined within the Development Plan, impacted by the proposal. Policy CHC 4 seeks to protect the special interest and character of all Dublin's Conservation Areas and I note there are areas surrounding the site which are defined as 'Z2 Residential Conservation Areas'. A Landscape and Visual Impact Assessment (LVIA) (dated October 2021) has been submitted with the application. The application is also accompanied by a CGI/Photomontage Document (dated October 2021), which the Visual Impact Assessment makes reference to. A total of 21 views are considered within the report, with both summer and winter views considered. At construction phase, effects (including visual effects) are cited as varying from moderate and neutral to moderate and negative, although will be of



short term duration. During operational phase effects on landscape character are concluded as being moderate, positive and long-term. In relation to visual impacts, no negative effects are predicted, with the overall effect considered to be moderate and neutral. In relation to views toward the proposed development internally within the campus (views 1 and 2), it is set out within the report that the lower floor to ceiling heights of the 8 storey elements (relative to the 2 no. protected structures) and the introduction of planting, as well as the form and modulation of the proposed building serve to reduce the overall perception of height, with this element sitting well within its context. Visibility towards the higher 8 storey block is limited by Esterel House from the secondary access road to the east of the site (View 3). Views towards the proposed development from St Kevin's Park and north-east from Temple Road (Views 4, 5 and 6) are similarly non-existent or limited, by virtue of existing planting or buildings. The most direct view into the campus is from View 6, from Temple Road, to the south of the site, where there are gaps in the tree screening and limited screening as a result of existing buildings. It is noted in the report that the southern elevation of the 8 storey element appears within this view, but the use of the fenestration panel help to reduce the visual perception of its scale. While I concur that the design features do help to reduce the overall scale and massing of this element, I am of the view that the visual perception of the scale is reduced more so by its extensive setback from this boundary, with the building set in some 56m from the boundary. I concur, however, that the visual effect of the proposed development from this viewpoint is moderate and neutral. From View 7, from Temple Road, the 4 storey element is clearly visible. The LVIA sets out that planting (during the summertime initially) as well as design features including the setback of the middle section of this building, mitigates the visual impact of same. I concur with same, and I also note the limited scale of this element, limited to 4 storeys setback from the boundary by 7 m, which will also serve to mitigate the visual impact. Similar considerations apply to Views 8 and 21, also from Temple Road.

10.3.25. Views from the public realm of Temple Square towards the proposed development are very limited (View 9). The proposed development will be visible from further east again along Temple Road (View 10), in winter views. The LVIA concludes the effect is moderate and neutral. I concur with same and note that this view is some distance from the proposed development (approximately 100m). Views (View 11) facing west

towards the development from Orchard Road South/Temple Square and facing south-west from Palmerston Park (Views 14 and 14) will be limited in summertime, although limited views are possible towards the 8 storey element during the winter months. From Palmerston Park Road, the upper floors of Palmerston Park are visible, and the LVIA concludes the effect is long term, slight and neutral.

10.3.26. I do not concur with views of observers that an insufficient number of viewpoints have been provided within the Photomontage Documents. The viewpoints that have been provided illustrate the development from all relevant key receptors in my view and there are no obvious viewpoints that have been omitted from the document.

10.3.27. In relation to the conclusions set out in the report, I generally concur with same, as per my comments above. The most readily available views into the site are from Temple Road, where the development is limited to 4 storeys in height. The higher elements, including the 8 storey block, are set back in from the boundaries of the site, limiting the visual impact of same. I note also that the proposed 8 storey block is only slightly higher than the existing 7 storey block on the site. Views from the public realm from other areas are limited, thus limiting the overall visual impact of the development. I am not of the view that there is any detrimental impacts on the character of the wider area, including those areas defined as 'Z2 Residential Conservation Areas'.

10.3.28. In relation to the prevailing height, I have set out a consideration of same above. I am of the view that given the need to develop these sites efficiently, a development of scale and height that is greater than the surrounding development is, in principle, appropriate, and is supported by national policy and relevant Section 28 Guidelines. However, there does need to be an appropriate transition in height, as set out within Criteria 3.2. The proposal has sought to have regard to its context and has provided appropriate transitions in height, in my view. The proposal reduces in height from the highest 8 story element of Block A located away from the boundaries to adjacent residential sites which reduces to 6 then 4 storeys closer the boundaries of properties to the east of the site at Temple Square. Block B is 4 storeys in height and is not markedly different from the existing height and setback distance of the existing block that currently fronts onto Temple Road (Existing Block 3 which varies from part-3 to part-5 storeys).

- 10.3.29. A further criteria set out in Section 3.2 of the Guidelines is the contribution of tall buildings to place-making and the introduction of new streets and public spaces. As set out above, the site is entirely self-contained, with the primary function being as student accommodation block with some campus facilities. As per the current development, the proposal does not provide for new streets or publicly accessible spaces, given the management arrangements of such facilities. The proposal does provide some definition along Temple Road, and is comparable to the height and setback of the current block which fronts onto Temple Road (Existing Block 3). Internally the proposal provides for new areas of communal spaces and courtyard and reduced areas of car parking, improving the overall pedestrian and cyclist environment.
- 10.3.30. In relation to the detailed design and materials proposed, the design statement sets out the approach to same and the materials chosen for the main student blocks generally reflect those of the existing blocks on site, being predominantly different variations of red brick. Alternative finishes such as a darker brick and stone have been utilised to provide visual interest. For Block C, the 3 storey building, a lighter stone and concrete are the predominant materials, differentiating this block, and drawing reference to the lighter finishes of the Protected Structures on and adjacent to the site. I have no objection to the materials proposed, and are of sufficient quality in my view.
- 10.3.31. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies. Given the proposal is providing student accommodation within an existing student campus, the mix of uses provided is limited. In terms of the mix of residential units provided, the proposal provides 358 no. bedspaces with associated facilities. The surrounding residential typology in the area is one of two and three storey residential dwellings. As such the proposal, comprising of student accommodation units, contributes positively to the provision of a mix of building dwelling typologies.
- 10.3.32. At the scale of the site/building, it is expected that the form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light. Where a proposal may not be able to fully meet all the requirements of the

daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out.

10.3.33. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 10.5 below, and I am satisfied that a sufficient standard of daylight would be provided to the units, with BRE targets been achieved for the vast majority of units. The proposal has provided sufficient compensatory design measures in the form of formal and informal open spaces, internal communal facilities and through the provision of 100% dual aspect units. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.5 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.4 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

10.3.34. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I note that no wind study has been submitted. However, I note that only a limited element of the proposed development is 8 storeys, with the remaining elements being broadly similar in height to existing blocks. I am not of the view that such limited heights would result in material impacts on the micro-climate. In 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. There is no evidence on file or within any of the submissions received, that the location is particularly sensitive location having regards to the potential for bird or bat flight lines and collision, including in relation to birds associated with any European Sites (See Section 12 below). Furthermore, it is unlikely that the proposed development would have a material impact on telecommunication channels and no party has raised this as an issue.

10.3.35. While I have considered the proposal within the framework of the Building Height Guidelines, the companion Urban Design Manual to the Sustainable Residential Development in Urban Areas (2009) shows how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings. In particular, the design manual sets out a

series of 12 criteria which should be used at in the assessment of planning applications and appeals. In relation to same, having regard to the discussion above, I am of the opinion that the proposal responds well to its context. Connections and permeability are discussed above (and in Section 10.6 below) and I am of the view that, while the site is well connected by virtue of a high quality, high capacity light rail services and good pedestrian linkages to same, the potential for permeability through the site is limited by virtue of the nature of the student campus site. In relation to inclusivity, consideration has been given within the scheme to accessibility for all building users, with the requirements of Part M met and exceeded where possible. In relation to efficiency, the proposal makes efficient use of land, as discussed above, and provides for a distinctive development that is a positive addition to the locality, with sufficient daylight and sunlight penetration to the proposed units, and to the open spaces as a whole. In terms of layout and public realm, the proposal reduces the extent of parking on site and has provided landscape formal and informal communal spaces, as well as landscaped pedestrian walkways. The opportunities for public open space within the site are limited as set out in Section 10.5 of this report. Sufficient internal and external communal areas have been provided within the scheme (see discussion in Section 10.5 below). I am satisfied in relation to the layout and the overall open space provision. The proposal meets and exceeds standards in relation to required minimum floor areas for such student accommodation units, and I am satisfied in relation to the level of daylight provided to the units and in relation to the overall standard of accommodation for end users (see relevant discussion in Section 10.5 below). I have noted the reduction in parking on the site and note that this proposal is car free, which negates the need for additional hard paved areas. I have considered this issue further in Section 10.6 below and I have considered the issue of detailed design above, within this section of the report, and I have concluded that the proposal achieves an appropriate form of development for the site.

#### **10.4. Surrounding Residential Amenity**

- 10.4.1. The nearest residential dwellings are located approximately to the south of the site at Esterel, and on the opposite side of the road on Temple Road and to the east at Temple Square.

- 10.4.2. The submission of the Planning Authority states that they are satisfied that the separation distance and boundary treatment coupled with the design of the proposed development, will ensure that the residential and visual amenities of surrounding dwellings will be protected.
- 10.4.3. Observer submissions have raised concerns in relation to impacts on daylight, sunlight and overshadowing. It is stated that the proposal will result in overlooking, overshadowing and will be overbearing with adverse visual impacts. Noise impacts from the communal areas and from arising from the operation of the site have been raised as a concern. Concerns have also been raised in relation to the proposed use over the summer months. Specifically it is stated that the removal of trees which will impact on privacy. It is stated that the overshadowing study fails to show impacts after 4pm and impacts on skylight is close to the minimum specified under BRE recommendations and that there an average 17% annual reduction and 24% winter reduction of annual probable sunlight hours amongst the homes at Temple Square with at least 3 no. residences experiencing major effects from the proposed development. Additional heating costs are raised as a concern. In relation to visual impact, it is stated that there are no CGIs of development looking from east to west. The height and proximity of the new blocks, relative to the current development, is raised as a concern.

#### Daylight and Sunlight

- 10.4.4. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines.
- 10.4.5. The Dublin City Development Plan references safeguarding sunlight and daylight within or adjoining a proposed development by way of site coverage. A site coverage standard of 45-60% is applicable to the site (for Z1 zoned lands). The site coverage in this instance is 32% and I have discussed same in Section 10.2 above. I note

generally that a lower site coverage than advised in the Development Plan is likely to result in lesser impact on adjoining properties, having regards to sunlight and daylight impacts, although this is dependent on the layout and height of the development, the orientation of the development relative to adjoining properties as well as the proximity of the development to adjoining properties.

#### Daylight

10.4.6. Paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight.

10.4.7. The submitted Daylight, Sunlight and Overshadowing Study considers the impacts of the development on daylight levels to the following properties, in terms of Vertical Sky Component (VSC):

- Property on Temple Road (referred to as 'South Temple Road'); 20-22 Temple Road; 18 Temple Road; 14 Temple Road; 10 Temple Road; 3-4 Temple Road (which is indicated as including the Protected Structure, Greenane, on the wider Trinity Hall site, and the Protected Structure adjacent to the site and its associated gatehouse – (Esterel); Properties on Temple Square (Temple Square South/Temple Square North)

10.4.8. It is noted in the report that all of the properties on Temple Square experience daylight impacts that are in line with BRE Targets (in terms of VSC). For those properties on Temple Road, 72 window of the total of 76 tested are in line with BRE targets (95%). The tables within the report indicated that the following windows fall below BRE targets

Window	Existing VSC	Proposed VSC	Proposed as a % of Existing
No. 4 (Gate Lodge)	35.82	26.69	75%

Esterel House)			
No. 6 (Gate Lodge Esterel House)	33.79	25.55	76%
No. 19 (Greenane - Protected Structure On Trinity Hall site )	34.93	23.42	67%
No. 20 (Greenane - Protected Structure On Trinity Hall site)	34.25	23.02	67%

10.4.9. In relation to those windows that are impacted, but still have values that are above the BRE targets, I am of the view I am of the view that the impact on same can be classified as 'negligible', having regard to the impact classification as set out in Appendix I of the BRE Guidelines. I am also of the view that impacts on window 21 (45 Temple Square) could be classified as 'minor adverse (a)' given that the value proposed are just within the Guidelines, with a larger number of windows affected on the property, but within the guidelines. In relation to the two number windows (4 and 5 – Esterel Gatehouse) that fall below the BRE Targets I am of the view that the impacts can be classified as 'minor adverse (b)', given the loss of light is only marginally outside the guidelines and only two of the five windows on this property fail to meet the BRE Targets. In relation to windows 19 and 20, which relate to the Protected Structure on the site (Greenane), this building appears to be associated with the larger campus use, and does not appear to be use as a residential dwelling.



Notwithstanding, I am not of the view that the loss of light is substantially outside the guidelines and I also note that only two of the six windows on the rear elevation fail to meet the BRE targets. The property is also served by windows to the front elevation and the levels of daylight to same, with the development in place, are considered to acceptable.

10.4.10. I note that the property at No. 42 Temple Square has higher level windows on the western elevation that overlook the site. These windows have not been considered in the report. However from my observations on site, these appear to be overshadowed to a large degree by existing foliage and from their location on the elevation, may, in fact, be secondary windows. I note also that impacts on Windows 38 and 39 which are also located on the western flank of the property are in line with BRE targets, which serves as an indication that these windows may well be also. As such I am not of the view that the omission of these windows from the assessment represents a fatal flaw in the overall assessment of daylight impacts.

10.4.11. In relation to the conclusions of the report, in terms of impacts on daylight, I generally concur with same. I am of the view that, where shortfalls in meeting BRE targets have been identified, the quantum of windows affected is relatively small, and in my view the impacts on same can be considered 'minor adverse' in line with BRE guidance. In conclusion, I am of the opinion that impacts on same are, on balance acceptable, having regard the minimal impacts on the remaining windows of surrounding properties and the need to deliver wider planning aims, including the delivery of housing and the regeneration of an underutilised urban site.

#### Sunlight

10.4.12. The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH). The BRE recommendations note that if a new development sits within 90° of due south of any main living room window of an existing dwelling, then these should be assessed for APSH. In this regard, the only properties assessed within the report are those properties on Temple Square and Esterel House, bounding the site. The report indicates that all windows save for 1 no. window (Window 10 at No. 46 Temple Square) meet or exceed BRE Targets (at total of 95%). The 1 no. window that does not meet the BRE Target achieves the summer target but not the winter target.

However, the existing low value of 2.92 % is cited in the report, and it is stated that the low levels of sunlight are likely to be as a result of the two extensions either side of this property, at No.'s 45 and 47 Temple Square. I concur with same and I am satisfied that the additional impact of the proposed development is minimal, although the overall impact on this window can be classified as 'minor adverse'. I note that an error in the report in that it is reported that window No. 5 at No.1 Temple Square achieves BRE Targets. In fact this window does not achieve winter targets and has a reduction of greater than 80% in winter APSH. The existing winter value is low at 4.60% and this drops to 2.34%. While the reduction is of the order of 50% of winter APSH, I am of the view that the impact on same can be classified as 'minor adverse' given that the window still achieves Annual APSH, not all of the windows of the property are impacted upon, with the front elevation windows unaffected by the proposed development and the amenity area achieving BRE Targets for sunlight. I note also that the sunlight levels to this window are already impacted by the flank elevation of No. 42 Temple Square, which is close to the southern boundary of No. 1 Temple Square and by the existing foliage on the application site. In addition, I am of the view that impacts on Windows 6 (No. 42 Temple Square) and 15 (No. 51 Temple Square) could also be classified as 'minor adverse', notwithstanding they meet BRE Targets, having regard to the criteria in Appendix I of BRE 209, given that they just meet BRE targets. However, for the remainder of the windows (18 of 22 no. windows) considered I am of the view that the impacts on sunlight levels can be classified as 'negligible'.

10.4.13. I note the comments of an observer submission that questions the reporting of impacts on daylight and sunlight, and which concludes that impacts are, in fact, greater than reported. I have considered same and I am satisfied that while impacts reported in the Daylight and Sunlight Report are not always expressed as per Appendix 1 of the BRE Guidance (i.e negligible, minor adverse etc), I have carried out an examination of the data within the report and have reported said impacts having regard to Appendix 1 of the BRE Guidance. I am satisfied that the data within the report is sound and I have no evidence to conclude otherwise, notwithstanding the minor inconsistencies and omissions I have highlighted above.

#### Amenity Areas/Shadow Analysis

10.4.14. In relation to overshadowing, the BRE guidelines state that an acceptable condition is where external amenity areas retains a minimum of 2 hours of sunlight over 50% of the area on the 21<sup>st</sup> March (of any given year). The report considers those amenity areas that are to the rear of properties on Temple Square and to the front of properties on Temple Road. It also considers the amenity area to Esterel House and Gate Lodge.

10.4.15. The report indicates that all but two of the rear gardens of Temple Square and the front gardens of properties on Temple Road will retain the same area of garden receiving at least 2hrs of sunlight on the 21<sup>st</sup> March. BRE 209 notes that if an existing garden is already heavily obstructed then any further loss of sunlight should be kept to a minimum, and if as a result of the new development the area which can receive 2hrs of direct sunlight on 21<sup>st</sup> March is reduced to less than 0.8 times its former value, this further loss of sunlight is significant. I note that in many of these cases the existing area that can receive 2hrs of direct sunlight on 21<sup>st</sup> March is below 50% but with the proposed development in place the situation is not worsened. The rear garden of No. 4 Temple Square sees a slight reduction in the area receiving 2hrs of sunlight on the 21<sup>st</sup> March, reducing from 15 sq. m to 14 sq. (and from 38% to 35% of the total garden area). As such, the area is below 50% in both the existing and proposed situation, but reduction is above 80% of the former value (it is 92% of the former value). As such I am of the view that the impact can be classified as 'negligible'. A slight positive impact is seen at No. 3 Temple Road with the area receiving 2hrs of sunlight on the 21<sup>st</sup> March increasing from 90.45 sq. m to 91.2 sq. m (and from 39% to 40%). The impact can be also classified as 'negligible' in my view. The amenity area to Esterel House and associated gate lodge is unaffected and the report indicates that 100% of the amenity area receives 2hrs of sunlight on the 21<sup>st</sup> March.

10.4.16. The report has included a shadow study which indicates overshadowing impacts at other times of the year. The properties on the southern side of Temple Road are unaffected, as they lie to the south of the proposed development. Impacts on Esterel House and gate lodge are limited to the morning time, given its location due west of the proposed development, with impacts on properties at Temple Square occurring in the evening, given they lie to the east of the proposed development. As expected during summer, impacts are more limited, with the sun higher in the sky, and shadow

impacts on amenity spaces are subsequently limited. In winter, the surrounding properties are shown to be heavily overshadowed as existing, and the proposed development is not seen to materially worsen the situation.

10.4.17. I note that observers have stated that no impacts after 6pm are shown. I agree it is likely that, in the summertime, there would be additional impacts after 6pm as a result of the proposed development, on those properties at Temple Square. In relation to same, I note that the height of the proposed development is limited to 4 storeys closer to the boundary with Temple Square and I am not of the view that this height is excessive (see also design discussion above), and I am of the view that any development of scale, that is closer to the boundary than existing would have some degree of overshadowing of existing rear gardens. As noted in the BRE Guidance, nearly all structures will create areas of new shadow and some degree of transient overshadowing of a space is to be expected. As such, it is not expected that new development avoid overshadowing impacts entirely, nor is it practicable to expect this, in an urban environment such as this one. As such I am satisfied that any additional overshadowing impacts on the properties on Temple Square are, on balance, acceptable having regard to the considerations above.

10.4.18. In conclusion, and having regard to impacts to daylight and sunlight levels to surrounding properties, and overshadowing of same, I am satisfied that external daylight, sunlight and overshadowing report has identified the majority of potential impacts, and I am satisfied that the majority of properties will experience impacts that are in line with BRE Targets. I have noted some minor discrepancies in the report and I have provided commentary on same above. While some minor adverse impacts have been identified, the overall impact is, on balance, acceptable having regard to the detailed discussion above. I am satisfied that impacts on surrounding amenity spaces will also be acceptable, having regard to the considerations above.

#### Overlooking/Loss of Privacy/Visual Impact

10.4.19. The Dublin City Development Plan does not prescribe a minimum separation distance between new student developments and existing housing. Nor does it prescribe a minimum separation distance between new apartment developments and existing housing. In relation to 'Houses', Section 16.10.2 sets out that *'at the rear of dwellings, there should be adequate separation between opposing first floor*

*windows. Traditionally, a separation of about 22 m was sought between the rear of 2-storey dwellings but this may be relaxed if it can be demonstrated that the development is designed in such a way as to preserve the amenities and privacy of adjacent occupiers. Careful positioning and detailed design of opposing windows can prevent overlooking with shorter back-to-back distances and windows serving halls and landings do not require the same degree of privacy as habitable rooms’.*

10.4.20. As noted above, the closest residential properties to the proposed development are located to the west at Esterel and its associated gate lodge, located on the south-western boundary of the site, to the east on Temple Square, located on the eastern boundary of the site and to the south on the opposite side of Temple Road.

10.4.21. Proposed Block C, a 3 storey structure is located some 5.8m from the boundary of Esterel and its associated gate lodge, and 10.5m from Esterel, and 24m from the Gate Lodge at the closest point. Block B is located 6.7m from the boundary and 12.6m from the Gate Lodge, and 38m from the main house. The four storey element of Block A is located 13.7m from the eastern boundary, and 13.7m from the western/rear elevation of No. 42 Temple Square, which is very close to the boundary of the site. Other properties on Temple Square are set further back from Block A, with the distance from the upper rear windows of same to Block A a minimum of 25.6m.

10.4.22. The first floor windows of Block C are angled so as to prevent overlooking of Esterel and the gate lodge. There are no directly opposing windows in any event and as such I am satisfied that no overlooking will result from Block C. The Gate Lodge does have windows which face towards Block B. The windows of the upper two floors of the western flank of Block B, a 4 storey element, are also angled to prevent overlooking. Overlooking from the lower two floors is prevented by the boundary wall to the east of the Gate Lodge. Windows on the ‘central element’ of Block B are not angled but are a distance of 39.6m from any directly opposing windows on the main house (Esterel). This is a sufficient distance to prevent any material overlooking in my view.

10.4.23. In relation to potential overlooking from Block A, towards the properties on Temple Square I note the following. The closest windows are located to the rear of 42 Temple Square. These face towards a blank elevation of Block A which does not have windows and as such there is no overlooking of same. The remaining windows

of Block A are at least 25.6m from the upper floor windows of the rear of properties on Temple Square and I am satisfied that this is a sufficient distance to prevent any material overlooking. In addition I note that the existing tree coverage is to be retained, which will serve to mitigate against any actual or perceived overlooking from the development.

10.4.24. The separation distance from Block B toward the directly opposing properties on Temple Road is a minimum of 33.8m and I am satisfied that this is a sufficient distance to prevent any material overlooking of same.

10.4.25. In relation to other properties, I am of the view that all other properties not referred to above are sufficiently set back or a sufficient distance away from the proposed development to ensure that no material impact from overlooking results.

10.4.26. In relation to visual impact, I have discussed this in detail in relation to views from the street, and the resultant visual impact of same, in Section 10.3 above. In relation to views from adjacent properties, I note that the proposed development will be closer to existing properties than the existing Cunningham House, which will be demolished. Views from Esterel, from the Gate Lodge and from the amenity area associated with same will be altered, with the closest elements being the 3 storey Block C and the 4 storey Block B. I am not of the view the heights of same are excessive such as would give rise to an overbearing form of development. The highest element, the 8 storey corner element of Block A, is some 30m from the boundary of Esterel, and while it will of course be visible, I am not of the view that it will not result in an overbearing impact, both due its limited extent and due to the distance from the boundary. Screening is also provided by the existing tree planting on the site of Esterel, and by replacement planting on the application site. Views will also be altered from the rear of properties at No.s 43-52 Temple Square with the 4 storey elements of Block A and B at least 15.6 m from their garden boundaries, at the closest point. This will bring the built form closer to these properties than is the case at present. Views will also be gained towards the higher 6 and 8 storey element, although I note that the 8 storey element of the proposal is set back some 44m from the boundaries of the properties at Temple Square. I am not of the view that the proposal will be overbearing in nature or result in a detrimental visual impact, given these setback distances. I note also the significant screening provided by the existing foliage which is to be largely retained adjacent to the boundary.

10.4.27. In conclusion, it is clear that that development will be visible from surrounding rear gardens, and will be more prominent than the existing 3 storey Cunningham House building. I note that the site is designated for residential development and, given the overarching national and regional support for compact growth, a development of scale is appropriate for this site. I acknowledge that the views towards the site, from the gardens of properties along Temple Square and from Esterel and its associated gate house, will change substantially. However, of particular relevance also when considering visual impacts/impacts on visual amenity is the separation distance, and the height of the proposal close to the southern boundary of the application site, which I have discussed above. Furthermore, while there will be a visual impact from the development, given the quality of the proposed design, as discussed above in Section 10.4 above, I am not of the opinion that the visual impact will be negative, although I acknowledge that this is a not a view shared by the occupants of surrounding properties, or by other surrounding residents, noting the contents of the observer submissions.

#### Noise and Vibration

10.4.28. Noise and vibration impacts can occur at the construction phase. In relation to the impacts from construction, the submitted Noise and Vibration Assessment (dated November 2021) considers *inter alia* noise and vibration impacts at construction stage, and it is set out that significant noise and vibration impacts are not expected to occur at distances of greater than 20m and 50m respectively from the site boundary. Mitigation measures are outlined in this report in order to reduce potential significant impacts for those properties within 20m of the site boundary (in relation to noise) and within 50m of the site boundary (in relation to vibration). Such measures are set out in Section 7 of the Noise and Vibration Assessment and include selection of quiet plant, noise control at source, erection of screening, phasing of site activities (where necessary) and the appointment of a designated noise liaison officer. Specifically in relation to vibration (and the potential to damage surrounding buildings), I note that the applicant is require to adhere to those limits on vibration as set out in Table 6 of the Noise and Vibration Assessment, which ensure that no cosmetic or structural damage can occur. The Construction & Environmental Management Plan (dated November 2021) considers noise and vibration management measures which include, but are not limited to, noise and vibration

monitoring at the site boundaries and all adjacent buildings, with the vibration monitors incorporating an exceedance alarm, which corresponds to those vibration limits as set out in Table 6 of the Noise and Vibration Assessment.

10.4.29. In relation to impacts at operational stage, the Noise and Vibration Assessment considers same, and potential impacts considered include plant noise, noise break out from the music and exercise rooms, the multipurpose hall and external terraces. Mitigation measures are set out to ensure plant noise is below relevant thresholds at the nearest noise sensitive receptors. Measures including the incorporation of acoustic design features at construction stage which minimise noise breakout, and adherence to noise criteria will ensure no negative noise impacts from the internal rooms of the proposed development. Reference is made to the potential noise impacts from the external terrace in Block C/Forum building and the daytime use only of same as well as limited occupancy of same (a maximum of 30 students) resulted in any significant noise impacts being ruled out. I am satisfied that, subject to those recommendations set out within the Noise and Vibration Assessment being implemented, no negative noise impacts from the above areas will result.

10.4.30. The other main potential source of noise, in my view, is that which could occur from the use of the communal areas and from anti-social behaviour, and this has been raised as a concern by observer submissions. I note the application is accompanied by a Student Accommodation Management Plan which sets out that a combination of directly employed TCD staff and contracted security are on duty in the existing residences on a 24/7 basis with the reception manned on a 24/7 basis. There is increased staffing levels at evening and weekends and it is envisaged that a similar routine will apply in the new residence for which planning is now sought. Staff monitor the CCTV network and carry out regular patrols of buildings and the grounds. I am satisfied that subject to similar arrangements being put in place for this proposed development that the potential for noise and anti-social behaviour is minimised. I note that the communal courtyard area is not situated directly adjacent to any surrounding residential properties. Noise from same will be controlled by the management of the facility and I am satisfied that the use of same will not result in an adverse impact on residential amenity. Potential anti-social behaviour by future occupants of the development, outside of the boundaries of the site would be a matter for the authorities (i.e. An Garda Síochána) if such issues were to arise.



10.4.31. I note that a number of observer submissions have raised concern in relation to the use of the landscaped areas, located adjacent to the boundaries of the site by students, and the potential for noise impacts to occur from same. In relation to same, I note that these areas are not dedicated sitting out areas although a walkway is provided through same providing for both access and for amenity purposes. I am not of the opinion that these areas will attract large number of students sitting out or creating a noise nuisance, and in any case, the management of the facility should ensure that such nuisance should not come about.

10.4.32. In conclusion then, subject to conditions requiring the mitigation measures as set out in the Noise and Vibration Assessment and the Environmental and Construction Management Plan to be implemented, I am satisfied that noise and vibration impacts, at construction stage, on surrounding residential properties will not be significant. I am also satisfied that noise impacts from the operational stage of the development would not be significant and there would be no loss of amenity from same, subject to conditions requiring the mitigation measures as set out in the Noise and Vibration Assessment and the Environmental and Construction Management Plan to be implemented

#### **10.5. Student Accommodation Standards**

10.5.1. The submission from the Planning Authority notes the changes to the design of the proposed buildings (since the previous application on this site) which have been introduced to maximise daylight and sunlight provision to the proposed student accommodation and that the improved ADF results are welcomed.

10.5.2. Observer submissions have questioned the sharing of bathrooms and have also raised health and safety issues, in the context of the Covid-19 Pandemic.

10.5.3. Section 16.10.7 of the Dublin City Development Plan 2016-2022 sets out Guidelines for Student Accommodation which sets out guidance as to the location of such accommodation (see Section 10.2 for discussion of same), and the concentration of such developments (as varied by Variation No. 3), design and relationship to surrounding developments (see Section 10.3 for discussion of same). As well as the above considerations, other factors that are required to be considered include daylight provision, open space provision (at least 5-7 sq. m. per bedspace) and indoor communal spaces. The Development Plan also sets out internal standards for

student accommodation developments and the relevant standards as relates to this proposal are as follows:

*Student accommodation to generally be provided by grouping study bedrooms in 'house' units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m.*

- 10.5.4. The proposed student bedspaces have been grouped in clusters of between 5 and 8 no. bedspaces comprising 11 no. 5-bed units; 4 no. 6-bed units; 1 no. 7-bed unit and 34 no. 8-bed units. It is noted that 10 no. of the 8-bed units exceed the maximum gross floor area of 160sqm (see also Section 10.12 'Material Contravention' for discussion of same). The applicants have set out that the minor increase in floor space facilitates the creation of high-quality accommodation and ensures the delivery of accessible units. The units in question generally range from 168-169 sq. m in size, with 1 no. unit having an area of 186 sq. m. I am satisfied that the proposed provision is generally in line with the above standard, and I do not consider that the minor exceedance in floor area, for the small quantum of units, constitutes a material contravention of the Development Plan, nor is the Planning Authority of that opinion.

*Single/double occupancy studio units that provide en-suite bathroom facilities and kitchenettes/cooking facilities will also be considered, with a minimum gross floor area of 25 sq.m and a maximum gross floor area of 35 sq.m.*

- 10.5.5. No studio units are proposed and as such the above provision is not applicable to this proposed development.

*Within campus locations consideration will be given to the provision of townhouse, 'own-door' student accommodation with a maximum of 12 bed spaces per townhouse.*

- 10.5.6. No 'own door' units are proposed and as such the above provision is not applicable to this proposed development.

*Shared kitchen/living/dining rooms shall be provided, based on a minimum 4 sq.m per bed space in the 'house' and 'town house' unit, in addition to any circulation space.*

10.5.7. All shared kitchen/living dining rooms have a minimum area of 4 sq. m. per bed space.

*Minimum bedrooms sizes for 'house' and 'town house' units will be:*

- *Single study bedroom: 8 sq.m (with en-suite shower, toilet and basin: 12 sq.m)*
- *Twin study bedroom: 15 sq.m (with en-suite shower, toilet and basin: 18 sq.m) •*  
*Single disabled study bedroom, with en-suite disabled shower, toilet and basin: 15 sq.m)*
- *Bathrooms: Either en-suite with study bedrooms/studio units or to serve a maximum of 3 bed spaces.*
- *Communal facilities and services which serve the needs of students shall be provided for, which include laundry facilities, caretaker/ security and refuse facilities (either on site or nearby within a campus setting).*

10.5.8. As set out in the Planning Report and Statement of Consistency, all bedrooms are single occupancy and range in size from 8sqm to 17sqm and that, generally, the rooms share bathrooms serving a maximum of 3 bedspaces. Single rooms with accessible en-suite facilities have also been incorporated into the scheme. In relation to observer comments in relation to the sharing of bathrooms, I note the Development Plan standards allow for such an arrangement (serving a maximum of 3 bedspaces) and, as such, I am view that it is acceptable and is in line with prescribed standards.

10.5.9. Ancillary student facilities uses are provided in Block A, Block C and the Forum building and include study rooms; gym and exercise spaces and an a multi-use amenity space within the Forum building as well as a replacement Sports Hall. Existing facilities at Trinity Hall include laundry facilities and on site convenience store which the future occupiers of this development can utilise.

*All applications for student accommodation must be accompanied by documentation outlining how the scheme will be professionally managed including confirmation that all occupiers will be students registered with a third-level institution.*

10.5.10. This application is accompanied by a Student Accommodation Management Plan prepared by Trinity College Dublin detailing how the proposed development will be

professionally managed. I have considered the contents of same and I am satisfied that the above criteria has been satisfied.

*Documentation must also outline how the scheme will support integration with the local community, through its design and layout. Permissions for student housing will normally be subject to a condition requiring a planning permission for a change of use to other types of residential accommodation.*

10.5.11. In relation to same, I have considered the design and layout of the scheme, and its links with surrounding development in Section 10.3 of this report. A standard condition can be imposed in relation to any future changes of use of same.

*In relation to car parking, the standards in Table 16.1 apply. Whilst there is no specified requirement for parking within Zone 1, applications for car-free developments should be accompanied by a mobility management plan outlining how arrivals/departures will be managed.*

10.5.12. I have considered the issue of parking in Section 10.6 of this report, and in summary I am satisfied that the above criteria has been met in this instance.

#### Daylight and Sunlight to the proposed units

10.5.13. The applicants have submitted a 'Daylight & Sunlight Assessment' (dated September 2021). This considers daylight and sunlight impacts to existing dwellings (see consideration of same in Section 10.4 of this report) and daylight and sunlight provision to the proposed bedroom and kitchen/living/dining areas.

10.5.14. Section 16.10.7 'Guidelines for Student Accommodation' of the Development Plan states that student accommodation should be designed to give optimum orientation in terms of daylight to habitable rooms and that proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report, 2011).

#### Daylight

10.5.15. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Section 1.6 of the BRE 209

Guidelines states that the advice given within the document is not mandatory and the aim of the guidelines is to help, rather than constrain the designer. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers).

10.5.16. In relation to daylight, the BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for ADF that designers/developers should strive to achieve, with various rooms of a proposed residential unit, and these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well-daylit living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. However, Section 5.6 of the BS8206 – Part 2: 2008 Code of Practice for Daylighting states that, where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%.

10.5.17. The application is accompanied by a Daylight & Sunlight Assessment, which considers *inter alia* the daylight achieved to the proposed units. Across the whole development, 99% of the tested rooms achieve ADF Values above BRE target values. All of the rooms have been tested across the development. The target values that have been utilised are as follows:

- 2% for Kitchen/Living/Dining Areas
- 1.0% for bedrooms

10.5.18. I am satisfied that the targets chosen are the appropriate targets for each of the spaces assessed. I note that the layout of the student accommodation differs from that of 'standard' residential units, in that the bedroom areas are 'clustered' around a shared 'living/kitchen/dining area'. However I am satisfied that the standards set out in BRE Guidelines are equally applicable to this type of accommodation,

notwithstanding the guidance does not specifically consider 'student' or similar accommodation layouts.

10.5.19. In relation to the results as set out in the report, in that 99% of the rooms tested achieve or exceed daylight standards, I am satisfied that it has been demonstrated that the accommodation will receive good levels of daylight. In relation to the 1 no. room that is reported not to achieve BRE targets, this is a Living/Dining/Kitchen which has an ADF of 1.14% (target is 2%). While this does have extensive areas of glazing, it is located in close proximity to another block, and is located on the ground floor which may account for the lower value. Notwithstanding, the vast majority of units comply and I am satisfied that overall the development will have good levels of daylight.

#### Sunlight

10.5.20. I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height Guidelines state in criteria 3.2 that 'The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'.

10.5.21. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. All main living room within the proposed development have been assessed. The submitted assessment demonstrates that of the 58 no. windows tested, 56 windows (97%) meet the BRE recommended values for both annual and winter instances. Of the 2 no. windows not achieving the BRE targets, I note that window No. 9 is an inset window which is in close proximity to higher built form and window No. 11 is a ground floor window in relatively close proximity to another block. Window No 9 (View 3) achieves an APSH Annual of 17% (Target 25%) and an APSH Winter of 1.54 % (Target 5%). Window No. 11 (View 1) achieves an APSH Annual of 21.32% (Target 25%) and an APSH Winter of 2.88 %

(Target 5%). In my view, having regard to both the quantum of shortfall from the target, and having regard to the quantum of windows not achieving the target, I am satisfied the vast majority of units will receive good levels of sunlight.

#### Sunlight to Proposed Amenity Spaces

10.5.22. The BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. The report considers sunlight levels to the entire combined area of the open spaces, rather than individual areas and it is set out that 57% of the total area of 2122 sq. m. receives at least two hours of sunlight on 21<sup>st</sup> March. I am of the view that each individually distinct area should have been analysed, which is the usual practice with this scale of development. For example, the courtyard area should have been considered and results indicated for same. It would appear that this courtyard area may not in fact achieve BRE targets, having regard to the diagrammatic analysis within the report, and I would estimate that approximately 25% of the area receives at least two hours of sunlight on the 21<sup>st</sup> March. Other amenity spaces perform more favourably, with areas outside the courtyard receiving sunlight levels that appear to be more in line with BRE Targets. In relation to the same, I note the non-mandatory nature of the BRE Guidance, and I note that while numerical guidelines are given with the guidance other factors influence site layout decisions, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design. In relation to same, I note that the proposed courtyard arrangement allows for the enclosure of the communal amenity space, and allows for passive surveillance of same. I note that Block B (which is to the south of the courtyard) is limited to 4 storeys in height, and I am not of the view that a reduction in height, nor the provision of substantial break in the building, in order to improve sunlight penetration, is warranted, having regard to the need to efficiently utilise sites such as these, and having regard to urban design considerations. I am of the view that the overall provision of communal open space, both informal and formal, is satisfactory, with all of the areas outside the courtyard area receiving sufficient daylight. I have considered the issue of compensatory design solutions below.

#### Conclusion on Daylight, Sunlight and Overshadowing

10.5.23. I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

10.5.24. As noted, the report submitted indicates that there are some very minor shortfalls in daylight provision, which are limited to 1 no. window. The full extent of this shortfall is made clear within the Daylight and Sunlight report and I have identified reasons for this shortfall. I note also the likely shortfall in direct sunlight provision to the courtyard area, with approximately 25% of this area receiving 2 hrs of sunlight on 21<sup>st</sup> March, whereas the target is 50%. This shortfall is not made clear in the report, due to the manner in which sunlight to amenity spaces is reported, but I am not of the view that this is a fundamental issue, and it is possible to gauge the overall compliance rate for open spaces within the site, which is 57%. I note also, given the need to develop sites such as these in an efficient manner, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same.

10.5.25. In terms of compensatory design solutions, Section 10.7 of the Daylight and Sunlight Report sets out same. It is stated that all of the student and staff accommodation are dual aspect units, providing quality daylight provision to the units. It is further stated that a range of ancillary uses are provided within the development including gym and exercise spaces, as well as the sports hall and landscaped amenity spaces. I concur that that having regard to the identified shortfalls above (in relation to daylight provision to 1 no. unit, and in relation to direct sunlight provision to the courtyard area), I am of the view that the compensatory measures as set out are sufficient. While I note the reference to the landscaped amenity spaces (one of which being the courtyard which does not achieve BRE Standards) I am satisfied that the remainder of the open spaces, and the informal areas surrounding the accommodation blocks



will be sufficient daylight and provide a welcome amenity for the future occupiers of the proposed development. I note also the proposal also contributes to wider planning aims including the delivery of housing and a more efficient use an underutilised site.

10.5.26. Having regard to above, on balance, I consider the overall the level of residential amenity is acceptable, having regard to internal daylight and sunlight provision and having regard to the overall levels of compliance with BRE Targets, to the compensatory design solutions provided, and having regard to wider planning aims. As such, I am satisfied that the proposal complies with the criteria as set out under Section 3.2 of the Building Height Guidelines, and provides a satisfactory level of amenity for future occupiers.

#### Open Space Provision

10.5.27. Section 16.10.7 states that *inter alia* 'Adequate open space of suitable orientation should be provided within developments for the amenity of students, which can include terraces, courtyards and roof gardens, where appropriate. All proposals must provide appropriate indoor and outdoor communal and recreational facilities for students at a combined level of at least 5-7 sq.m per bedspace'. This would require an overall provision of at least 1,790 to 2,506 sq. m.

10.5.28. The proposal includes a courtyard of 1056 sq. m, and internal amenity spaces of 780 sq. m (excluding the Sports Hall area). This totals 1836 sq. m., which is in compliance with the standard above. I note also the provision of more informal areas of open space, with pedestrian walkways, which will also provide additional amenity to future occupiers of the development.

10.5.29. I have considered the applicability of the Sustainable Residential Development Guidelines (2009) in Section 10.2 above. The site could be considered to fall into the category of 'Institutional Lands', given its ownership by Trinity College Dublin and its use a student accommodation campus and its use by TCD Botany Department. As well as providing commentary on the appropriate residential density for such spaces (which I have concluded is not applicable to this proposed student accommodation development), the Guidelines note that 20% of such sites should be specified as 'open space' and it should be an objective to retain some of the open character of the lands. This should also be assessed in the context of the quality and provision of existing or proposed open space in the area. It is not specified within the Guidelines

if this 20% requirement for open space is public open space, private open space or communal open space, or a combination of all three. The stated site area is 10,665 sq. m. The proposed development has a specified courtyard of 1,056 sq. m, which equates to 9.5% of the stated site area. There are also more formal hard landscaped areas to the west of the site, with more informal landscaped areas, to the south of Block B, and to the east and north of Block A, including the area of the arboretum, which can be classified as open space in my view. I note that informal walkways are provided through these informal landscaped areas, which allows their utilisation as an amenity. I calculated that the combined area of same is approximately 800 sq. The total area then of the site that has been dedicated to some form of open space equates to approximately 17%. While this is not 20% as set out in the guidelines, I am not of the view that the shortfall is material. I am of the view that, given that approximately 17% of the site is maintained as some form of open space, I am satisfied that the open character of the site, insofar as it has such a character, is maintained. I note also the site lies directly to the south-west of Palmerston Park, a publicly accessible park. I have noted the self-contained nature of the campus and the restriction of public access to such institutions is not unusual, limiting the scope for the provision of public open space on the site, notwithstanding the lack of any specific policy requirement for the provision of same. I am satisfied that should the Board consider the provisions of the Sustainable Residential Development Guidelines apply in this instance, the criteria within these guidelines as relates to open space provision have been complied with.

## **10.6. Traffic and Transportation**

- 10.6.1. The Planning Authority submission, in relation to Transport Issues, state that the principle of car free student accommodation development is acceptable and the proposed reduction in parking is also considered acceptable having regard to measures outlined in the MMP. The loss of 2 no. on-street spaces was also considered acceptable. Other issues raised include the potential impact of the revised entrance on the existing street tree. It also stated that the south-eastern entrance should only be utilised for emergency access only. The Transport Division agree with the conclusion in the applicant's Environmental Report that the proposed development is not likely to result in significant traffic and transport effects.

- 10.6.2. Observer submissions raise concern in relation to the capacity of the Luas and other public transport infrastructure and it is stated that the site does not have the transport capacity that can adequately cope with an increase of the resident population on this small site to 1,300 students. It is stated that many of the bus routes would not be utilised by students to any meaningful extent, other than the 140 route and that this bus route will no longer operate from Palmerstown Park with BusConnects. Traffic and public safety hazards are raised as a concern due to the significant number people in one area and due to the high volume of traffic anticipated to enter and leave the site. It is stated that the development will require car ownership given its distance from Trinity College and the City Centre and this will bring a risk of overspill parking arising from the development.

#### Access/DMURS

- 10.6.3. The main vehicular and pedestrian access point to the existing and proposed development will be as existing, from Dartry Road. A secondary gated entrance exists to the south west on Temple Road primarily used for maintenance access and is generally closed to the public. Another vehicular access gate is located to the south east of the site that is currently not in use. It is proposed to reposition this existing access gate onto Temple Road, moving it 4.2 m westward to facilitate and maintenance emergency access only.
- 10.6.4. A Traffic and Transport Assessment is included within Section 3 of the Engineering Planning Report. This sets out how the proposal complies with DMURS and sets out that that the public areas to the street frontage and within the proposed development have been designed to accommodate pedestrians and cyclists in accordance with the appropriate principles and guidelines set out in DMURS. It is further set out that footway widths are a minimum of 1.8m in compliance with DMURS guidance and that pedestrian priority will be maintained across vehicular access points. In terms of the proposed roads infrastructure, it is stated that corner radii at vehicular access points have been minimised with the use of tight radii assisting in traffic calming and enabling pedestrians to cross at these locations with as short a travel path as possible.
- 10.6.5. Section 3.3 of the Design Manual for Urban Roads and Streets considers permeability and legibility and states that *inter alia* designers should maximise the

number of walking and cycle routes between destinations. Criteria 2 of the Urban Design Manual (the companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 ) considers connections and notes that attractive routes should be provided for pedestrians and cyclists and that proposals should prioritise the pedestrian and cyclist in the layout and design of the public realm. In this regard I have noted previously that the site is relatively self-contained and operates as a campus as well as a student accommodation facility limiting the opportunities for cyclist and pedestrian access through the site.

#### Car and Cycle Parking

- 10.6.6. The site is within Area 2 (Map J of the Development Plan) where the following maximum standards of provision are applicable:
- Residential – 1 per dwelling;
  - Student Accommodation – 1 per 20 bed spaces; and
  - Colleges of Further Education – 1 per classroom and 1 per 30 students.
- 10.6.7. It is further stated that parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety.
- 10.6.8. Based on the above standards, a maximum of 23 spaces could be provided. 18 no. spaces to serve the student accommodation, 4 no. spaces for the staff apartments and 1 no. space for the botany class rooms.
- 10.6.9. It is not proposed to provide any parking for the proposed development. The applicants refer to a car parking survey carried out in 2019 which identified that no students utilised the private car to journey to college, and it is stated within the submitted Mobility Management Plan that the existing spaces are underutilised. In this regard it is proposed to reduce the number of car parking spaces on the site by 43 no. spaces, with the removal of car parking areas within the application site. 47 no. spaces will be retained on the site.
- 10.6.10. Where a deviation from maximum standards is to be considered, the acceptability of proposals will be assessed against a number of criteria including, inter alia:

- The civic importance of the scheme
- The identified need for public car parking in the area
- The accessibility of the surrounding area
- Road capacity and impact on the road network
- The mix and appropriateness of uses proposed
- The impact on the public realm, streetscape and urban fabric of the city
- The impact on the grain and vitality of city streets
- Compliance with Section 4.5.5, 'The Public Realm'
- Compliance with policies to make efficient use of finite urban land and consolidate the city
- Compliance with policies to safeguard investment in public transport and encourage modal shift.

10.6.11. I am satisfied that quantum of parking proposed is acceptable, given the nature of the proposed student use and the proximity of the site, and the surrounding area, to a high capacity, high frequency light rail service. The reduction in the extent of parking on the site will serve to reduce impacts on the surrounding road network and will encourage take up of, and justify investment in, public transport facilities. In addition, the nature of such managed accommodation is such that prospective residents are can be informed in advance car parking is limited to essential needs only, further limiting the any potential demand for car parking spaces from student residents. As such, I am of the view the relevant criteria above have been complied with.

10.6.12. I am not of the view that any detrimental impacts on residential amenity will result as a result of the parking provision proposed. It is unlikely that overspill parking will result, given the demand considerations I have set out above, and if this were to occur, there are parking restrictions in place on surrounding roads.

#### Cycle Parking

10.6.13. A total of 188 no. bicycle parking spaces are to be provided for the proposed development. The number of bicycle spaces provided is consistent with the

requirement set out in the Development Plan which requires 179 no. spaces for 358 no. student beds and 4 no. spaces for the apartments. I note the Transport Division have requested details of additional security measures for same and I am satisfied that these can be sought by way of condition.

Impacts on the surrounding road network.

10.6.14. I note some observer submissions have raised concerns in relation to traffic congestion in the area, I am of the view that, given the substantial reduction in the number of parking spaces proposed on the site, the impact on the surrounding road network will be reduced accordingly. I am of the view that this proposed development will not add to this congestion, given the discussion above.

**10.7. Ecology/Trees**

10.7.1. I note that the Planning Report submitted by the Planning Authority does not raise specific concerns in relation to impacts on ecology and/or trees, although I note the contents of the Parks Department report which has raised concerns in relation to the impacts on the arboretum, including the loss of light to same, the loss of trees generally, and in relation to the proposed transplanting of trees. It is suggested that Block A is omitted or relocated, and that the remaining blocks are reduced in height. The Conservation Officer has raised concerns in relation to the loss of the sylvan character of the site. The Parks Department and some Elected Members have raised concerns in relation to the impact on trees on the site.

10.7.2. The NPWS note the contents of the Bat Survey and the Bird Survey. The NPWS state that the possibility of the development proposed negatively impacting on the conservation role of the Trinity College Botanic Garden should be taken into account when evaluating the proposal, especially as the botanic garden is one of only four such institutions in Ireland.

10.7.3. Observer submissions have raised concerns in relation to the adequacy of the Bat Surveys undertaken and it is highlighted that both surveys were conducted in mid-April and late-September which is outside of the summertime period when bats are most active (May to mid-September). This is the recommended times for bat surveys identified by Bat Conservation Ireland. The robustness of the assessment is therefore questioned. Other concerns raised include the impact on trees generally as well as the impact on the Botanic Gardens adjacent to the site as a result of

overshadowing of the trees. It is stated that there will be a loss of mature trees as well as a loss of habitats. It is also stated that there is conflicting information in the report as to the number of trees to be removed.

- 10.7.4. The application is accompanied by an Ecological Impact Assessment (EcIA) within which it is noted that original surveys carried out in 2019 (in support of the previous SHD application on this site) were supported by a follow up survey in 2021 to determine if any changes had occurred since the previous survey. The surveys determined that the site was found to consist predominantly of highly modified habitats and was not found to support any habitats of conservation concern, including those protected under Annex I of the EU Habitats Directive. Habitats noted consisted of Buildings and artificial surfaces (BL3), Amenity grassland (GA2), Scattered trees and parklands (WD5), Flower beds and borders (BC4), Hedgerows (WL1) and Treelines (WL2).
- 10.7.5. Non-native invasive species, three-cornered leek (*Allium triquetrum*) and Spanish bluebell (*Hyacinthoides hispanica*) were widespread in the scattered trees and parkland habitat within the proposed development site, planted as flower-beds beneath existing trees and hedgerow.
- 10.7.6. With the exception of passing bats, no other protected fauna associated with any nearby European Sites or protected under Annex II or IV of the EU Habitats Directive or the Irish Wildlife Act 1876-2021 were recorded during the visit.
- 10.7.7. In relation to birds, a number of bird species were recorded within the development site including blackbird, robin, jackdaw, magpie, blue tit, great tit, woodpigeon, wren, pied wagtail and dunnoek. The EcIA notes that the bird species recorded within the site boundaries are common and considered to represent local populations of no greater than local importance.
- 10.7.8. No evidence of mammals such as otter or badger was recorded within the site boundaries. It is noted within the EcIA that fox may use the site on occasion but no evidence of fox was noted.
- 10.7.9. Bat surveys were carried out in April 2019 and September 2021. No evidence of roosting bats was recorded. It is noted that a number of the outbuildings and mature trees in the site provide potential roosting habitat for bats. Two bat species (Leislet's Bat and Common pipistrelle) were recorded commuting and foraging during the dusk

and dawn activity surveys. The EcIA concludes that, overall, bat activity was low with a total of 28 bat passes recorded across all surveys. No bats were seen emerging or re-entering any of the 20 no. trees proposed to be removed.

10.7.10. Section 5 of the EcIA sets out potential impacts of the development, mitigation measures proposed and subsequent residual impacts. Construction stage impacts are firstly considered. In relation to impacts on habitats, following the implementation of mitigation measures including replacement tree planting, the implementation of the landscape strategy and tree protection measures, the impacts on the habitats is reduced to an imperceptible negative effect, and significant effects are not anticipated. In relation to direct impacts on fauna (including bats), following the implementation of mitigation measures including appropriate lighting measures, the residual impact is concluded to be short-term and imperceptible. In relation to faunal habitat, following the implementation of mitigation measures including appropriate timing of tree and scrub removal, pre-construction bat surveys and the provision of bat boxes and swift bricks, the residual impact is concluded to be negative, permanent and imperceptible. No significant effects were anticipated. In relation to water quality, with the implementation of best practice measures as set out in the Construction and Environmental Management Plan (CEMP), the EcIA concludes that impacts on same (essentially the Dodder River located some 300m to the south of the site), will be negative, temporary and imperceptible. In relation to the invasive species found on the site, mitigation measures are set out for same including mapping of the locations of same, avoidance where possible, removal where necessary under the supervision of an ecologist, as well as having regard to the Dublin City Invasive Alien Species Action Plan

10.7.11. In relation to impacts at Operational Stage, there will be no additional habitat loss associated with the operational phase and significant effects are ruled out in the EcIA. In relation to impacts on fauna, it is stated that the existing site is currently used as student residence and amenity area and bordered by roads and residential areas, and it is likely that faunal species in the area are used to human activity. Lighting in the proposed development is designed to direct light away from habitats and to minimise disturbance to bats. Significant effects are ruled out in the EcIA. No significant effects on water quality are expected and the proposed development will connect to the existing foul and surface water network, with the foul water treated at



Ringsend WWTP before discharging to Dublin Bay. Irish Water have confirmed that the foul sewer connection can be facilitated. SuDs measures are proposed to ensure surface water run-off will be clean water.

10.7.12. In terms of impacts on non-European designated sites, it is noted that the nearest such site is the 'Grand Canal pNHA' is located 2km from the proposed development. The EclA rules out any significant effect on same as there is no ecological connection present. Potential impacts on the South Dublin Bay pNHA and North Dublin Bay pNHA, which overlap with Natura 2000 sites in Dublin Bay, and potential impacts on the Dolphins, Dublin Docks pNHA, which is downstream of the Dodder River discharge point to the River Liffey, are ruled out in the EclA as a result of the mitigation measures implemented for the protection of the Natura 2000 sites. In relation to same, I am not of the view that there is the potential for likely significant effects on the South Dublin Bay pNHA and North Dublin Bay pNHA or Dublin Docks pNHA and I am not of the view that any specific mitigation measures are necessary. . At construction stage, adherence to best practice construction measures (as set out in the Construction and Environmental Management Plan) will ensure no indirect impact on the surface water environment. At operational stage the surface water treatment proposals will ensure that both the contaminated surface water will not enter the public surface water network, and the quantity of water is also limited by way of a flow control device. These construction and operational phase measures are standard best practice measures and are not specific mitigation measures to ensure that there is no deterioration on water quality at the South Dublin Bay pNHA, the North Dublin Bay pNHA or Dublin Docks pNHA.

10.7.13. In terms of cumulative impacts, relevant overarching plans and policies pertaining the site were considered. So too is the extensive planning history on the site, as well as on nearby sites. In relation to the latter, the proposals were considered in combination with existing development within the campus as well as the wider area, including *inter alia* the existing student accommodations at Trinity Hall, and associated Sports Hall, changes of use applications to allow for temporary tourist or visitor accommodation. No plans or projects with the potential to result in likely significant in-combination effects to any ecological sensitivities were identified in the EclA.

10.7.14. The EclA provides an overall conclusion that there will be no significant residual impact on ecological receptors and that there is no potential for the proposed development to result in any cumulative impacts on biodiversity when considered in combination with other plans and projects.

10.7.15. In terms of the conclusions set out in the EclA, as relates to impacts, I generally concur with same, save for the need for mitigation measures in order to rule out likely significant effects on South Dublin Bay pNHA and North Dublin Bay pNHA or Dublin Docks pNHA, having regard to the considerations above. In relation to the concerns raised by observers I am satisfied that sufficient surveys have been carried out, both in relation to general ecology and in relation to bats, and overall I am satisfied that sufficient survey work was carried out in order to be able to arrive at the conclusions set out in the EclA. I have considered the specific issue of the timing of the bat surveys. The surveys were carried out on 17<sup>th</sup> April 2019 with a follow up survey on 20<sup>th</sup> September 2021. Observer submissions reference guidance from the Bat Conservation Trust and it is stated that the optimal period for surveys is May to September. I note that this organisation has published guidance on the lesser horseshoe bat specifically and this document states that surveying is optimal during May to September. This document is specific to this species of Bat which is only to be found in the west of Ireland and it is silent on other bat species, as relates to the appropriate timing of surveys.

10.7.16. The EclA references Collins (2016) in providing justification for the timing of the surveys. The bibliography unfortunately does not then refer to this publication but in all likelihood it is a reference to a UK publication - 'Bat Conservation Trust – Bat Surveys for Professional Ecologists – Good Practice Guidelines'.<sup>3</sup> This considers the appropriate timing of surveys and for ground level bat activity surveys April and September are acceptable subject to appropriate weather, as discussed in the EclA. Weather conditions were appropriate for surveying as recorded in the EclA. There are some limitations to the timing of emergence and re-entry surveys, and this document states that for sites with 'moderate roost suitability' May to September is the appropriate survey timing, with September surveys depending on weather

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<sup>3</sup> Collins, J (ed) 2016 – available online at [https://cdn.bats.org.uk/uploads/pdf/Resources/Bat\\_Survey\\_Guidelines\\_2016\\_NON\\_PRINTABLE.pdf?v=1542281971](https://cdn.bats.org.uk/uploads/pdf/Resources/Bat_Survey_Guidelines_2016_NON_PRINTABLE.pdf?v=1542281971)

condition. The EclA refers to a number of mature trees having 'moderate roost suitability'. As such, while I acknowledge the initial April 2019 survey was most likely carried out outside the optimal survey period, the most recent September 2021 was carried out within the appropriate period, given weather conditions were deemed suitable by the reporting ecologist. As such I am confident that the Board can rely on the result of the survey when considering potential impacts on bats resulting from the development.

10.7.17. Having regard to the contents of the EclA, and other relevant information on file, as well as having regard to the submissions from the Planning Authority, from Prescribed Bodies and from observers, I am satisfied that there will be no significant adverse impacts on bats, birds of conservation concern, protected mammals such as badger or otter, or on any other species or habitat of conservation concern, subject to the mitigation measures being put in place. No adverse impacts on the surface water network will result from the proposed development (see further discussion of same in Section 12 of this report). I have discussed the issue of Natura 2000 sites specifically in Section 12 of this report.

10.7.18. In conclusion then, I consider that, subject to the recommendations of the appraisal being carried out, there would no significant ecological adverse impact arising from either the construction phase or from the operational phase of the development. Specifically in relation to bats, I am satisfied that, subject to the measures as outlined in the EclA, as relates to appropriate timing of tree removal, appropriate lighting and provision of bat boxes, being implemented there will be no adverse impacts on bats as a result of this development.

### Trees

10.7.19. An Arboricultural Assessment (Tree Survey) has been submitted with the application, supported by a Tree Survey, an Arboricultural Impact Assessment and an Arboricultural Method Statement. The report notes that a total of 20 no. trees are to be removed, of which 15 are category 'C' (low quality), 3 are category 'B' (moderate quality and 1 is category 'A' (best quality). I note that that there are only three no. category A trees on the site and the proposal is therefore resulting in the loss of 33% of this category. 1 no. tree is to be removed due to its condition (1497), and 4 no. trees are to be transplanted (1513, 1514, 1501 and a young redwood), with the

proposed locations indicated on the Landscape Master Plan. It is stated that the proposed retained trees, save for 3 no. trees, are in locations where they will not be directly affected by the proposed buildings. In relation to the 3 no. trees where the Root Protection Area (RPA) is encroached, the recommendations of BS 5837 :2012 will be carried out which sets out specific procedures in such situations to ensure that the trees will not be adversely impacted upon.

10.7.20. The report gives explicit consideration to potential effects of shading on the retained trees and it is concluded by the reporting arboriculturist that the retained trees will accommodate the changes in light levels due to the new building and there will be no impact on their overall condition and vitality. It is further stated that the reporting arboriculturist is not aware of any incidents of building shading out the existing trees (and causing them to go into decline due to a reduction in the ability to photosynthesise ) and this issue is not identified in any of the arboricultural literature. Notwithstanding it set out in the reviewed literature that trees utilise diffuse light to photosynthesise, which typically comes from all directions, under cloudy conditions. In relation to the amount of directly sunlight that is required, the reporting arboriculturist expresses the opinion that the shadow study indicated that the reduction in direct daylight reaching the trees will not reduce the available diffuse light to such a point that the trees would go into decline. The reporting arboriculturist concludes then that the proposed building will not have an impact on the existing trees within the arboretum.

10.7.21. I am satisfied that the applicant has satisfactorily addressed the issue of potential overshadowing impacts in the arboretum, as requested by the NPWS, and has addressed the concerns of the Parks Department of DCC, and of observers on the application. I am not of the view that the omission or relocation of Block A is necessary, nor is a reduction in height of the remaining blocks necessary, as suggested by the Parks Department.

10.7.22. I am satisfied that the removal and transplantation of some of the existing trees is necessary to facilitate the development and the impacts resulting from same would only have minor impacts in terms of both biodiversity and visual impacts. The proposed landscaping measures, including replacement tree planting, will have a positive impact on both biodiversity and on visual amenity.

## 10.8. Flood Risk

- 10.8.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.
- 10.8.2. Neither the Planning Authority nor observer submissions have not raised any concerns in relation to flooding. Section 3 of the Civil Engineering Infrastructure Report is a ‘Site Flood Risk Assessment’. It is set out that the OPW Flood Mapping does not indicate any history of flooding on the site. It is also set out that the site lies within Flood Zone C. Tidal and Tidal Fluvial on the site are considered ‘very unlikely’ and regard is had to PFRA mapping in Appendix 2. I note that the mapping contained in Appendix 2 is mapping associated with the Dodder Catchment Risk Assessment and Management Study, which considers Fluvial Flood Risk arising from the River Dodder. Notwithstanding the site is shown outside the 0.1% AEP, the 1% AEP or the 10% AEP areas.
- 10.8.3. The risk of Pluvial/Surface water and groundwater flooding is considered ‘unlikely’ in the report. Reference is made to the Greater Dublin Strategic Drainage Study Mapping as contained in Appendix 2 of the report. This indicates that the existing foul/combined sewer running along Dartry Road and Temple Road floods for 30 year return periods or less. The report notes that these maps are based on analysis carried out in 2004 and are somewhat out of date. It is stated that the manholes at the Temple Road/Dartry Road junction do not flood, and that the combined sewer considered in 2004 has since been replaced, increasing capacity by approximately 40%. It is also noted that Irish Water have not suggested that any infrastructural upgrades are required.
- 10.8.4. Reference is made to the surface water management proposals and it is stated that the site drainage system is fully designed in accordance with GDSDS criteria and have a capacity to facilitate a 1:100 year storm and allowance for 20% capacity increase for climate change. The maximum top water level for the proposed system

is +31.587 which is greater than 500mm below the internal ground floor level of +32.200. The FFLs of dwellings will be 150mm above the minimum ground level, all of which will which reduce the risk of flooding from onsite sources.

- 10.8.5. No increase in surface water flow rates from the site will result, as the water discharging from the site is restricted to a rate of 2.0 l/s by means of a vortex flow control device.
- 10.8.6. I am satisfied that the site is not subject to tidal or fluvial flooding or groundwater flooding. In relation to foul water flooding, and surface water flooding, from overland flow, the report states that no such flooding has been recorded on site. I have examined the mapping available on the OPW run website 'Floodinfo.ie' and this does not indicate any previous flooding events on the site. The Planning Authority have not raised any concerns in relation to flooding.
- 10.8.7. I am satisfied that the site is not subject to tidal, pluvial or fluvial flooding, and in relation to the operational stage of the development I am satisfied that the proposed surface water management measures outlined in the Civil Engineering Infrastructure Report and associated drawings, are sufficient to ensure that the student accommodation on the site or nor the residential accommodation adjacent to the site will not be at an increased risk of pluvial flooding.
- 10.8.8. In conclusion, having regard to the fact that the site lies within Flood Zone C, the lack of an evident history of flooding on the site itself and having regard to the surface water management proposals as set out in the application documents, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

#### 10.9. **Site Services**

- 10.9.1. Irish Water have not raised any objections to the foul water or water supply proposals as set out in the application documentation. The Planning Authority have not raised an in principle objection to the surface water proposals for the site.

##### Surface Water

- 10.9.2. In relation to surface water drainage, the submitted Civil Engineering Infrastructure Report notes that the subject site is currently served to the south by a 450mm diameter public surface water pipeline along Temple Road. The existing

development is served by existing SuDS measures consisting of an attenuation tank which has a controlled discharge to the public surface water network.

- 10.9.3. The proposed development will involve the removal of the existing attenuation system and alternative SuDs measures are proposed. Surface water from approximately 45% of all flat roof areas will be initially intercepted by a sedum green roof which subsequently discharges into rain gardens, providing two stage treatment prior to outfall from the site into the public surface water network. A rainwater harvesting tank has been provided with a storage volume of 101m<sup>3</sup>. It is proposed to implement an automated monitoring system within the tank which allows the total volume to be utilised for attenuation storage solely during heavy rainfall events. This tank will be fed by the remaining flat roof, pitched roof and paved/gravel roof areas. The proposal also incorporates permeable paving providing interception storage.
- 10.9.4. Discharge from the site onto Temple Road will be limited to the greenfield run-off rate of 2.0l/s by means of a flow control device. The proposed development will be designed in accordance with the principles of Sustainable Drainage Systems (SuDS) as set out in Greater Dublin Strategic Drainage Study (GDSDS). Interception storage will be provided as a combination of at source interception (green roof, permeable paving and rain gardens) and an active attenuation system incorporating rainwater harvesting.
- 10.9.5. Attenuation storage will be provided by the active attenuation tank along with rain gardens in the form of a gravel bed below these areas. The proposed 'active attenuation' system combines site surface water attenuation and rainwater reuse needs, while guaranteeing attenuation volume is always available for an upcoming storm event. It does this by continuously monitoring real time weather information and controlling the water level accordingly. When an approaching storm event is forecast, the attenuation requirement takes priority and the re-use water is discharged at the local authorities allowed rate. The system provides a Met Éireann based predictive control system to enable the rainwater harvesting tank to act for storm attenuation and the site controller will carry out a "systems handshake" with the control centre at least every 10 minutes to ensure any communication faults are identified in almost real-time. The actuating valve and control unit will have a built-in rechargeable battery backup pack which will automatically power the system in the event of mains power failure.

- 10.9.6. The system surcharges but does not flood for the 100-year event and the maximum water level in the system is greater than 500mm below ground floor level.
- 10.9.7. I am satisfied that the principle of the proposed design is appropriate for the site, and any detailed technical requirements, such as those raised in the Drainage Report from the Planning Authority, can be agreed with the Planning Authority, and I recommend a standard condition be imposed on any permission, should the Board be minded to grant permission.

#### Water Supply

- 10.9.8. The proposed development will be served by a water supply connections to the existing watermain along Temple Avenue. Irish Water have not cited any concerns in relation to same.

#### Foul

- 10.9.9. The site is currently served by an existing 800mm combined public sewer to the south along Temple Road. It is proposed to provide a connection to the existing network by way of a 225 diameter pipe. This has a capacity of 37 l/s which is adequate for the total flow from the campus. Irish Water have not raised any capacity constraints in relation to foul water and have issued a Statement of Design Acceptance for the proposal.

#### **10.10. Other Issues**

Archaeology – The site is accompanied by an Archaeological Impact Assessment. As set out in Section 2.3 of same, the site of Rathmines Castle (RMP No. DU022-087) is located adjacent to the site, to the north-east. I note the ‘Zone of Notification’ related to same extends into the application site.<sup>4</sup> The Archaeological Impact Assessment notes that original castle was erected in the 17<sup>th</sup> Century. There is no trace of the castle/dwelling in the 1912 edition of the OS six-inch map and the site is shown as being occupied by a dwelling named the Orchards. In relation to previous excavations on or near the site, testing was carried out on the adjacent site west of this proposed development site in November and December 2000. No deposits of archaeological significance were found. The Impact Assessment notes that no features of archaeological significance are visible within the development site.

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<sup>4</sup> Having regard to mapping accessed on <https://maps.archaeology.ie/HistoricEnvironment/>



Monitoring of trial pits and boreholes was carried out in August 2019 and nothing of archaeological significance was uncovered. The report concludes that, notwithstanding that nothing of archaeological significance has been uncovered to date, there is potential for archaeological features associated within Rathmines Castle to survive at this location, given the proximity to the monument and the uncertainty over the exact location of the monument. Without mitigation development could result in the removal and or destruction of late medieval archaeological deposits, features and/or artefacts. Mitigation measures proposed include pre-development testing and/or monitoring of groundworks. The DAU have also suggested similar conditions relating to archaeological testing/monitoring of the site and, should the Board be minded to grant permission, I recommend that such conditions are imposed.

#### Property Values

- 10.10.1. A number of submissions have stated the proposal will result in a reduction in property values. This contention is not supported by any evidence of same and I do not consider the Board has sufficient evidence before it to conclude that the proposal would have an adverse impact on property values.

#### SHD process

- 10.10.2. In relation to observer and Elected Member representations regarding the SHD process, I can confirm that the SHD process is defined under a legislative framework and until that framework is expunged or replaced, it forms the legitimate process for the determination of this application.

#### Public Health Concerns/Covid 19

- 10.10.3. Concerns have also been raised by third parties that the communal living nature of student accommodation poses a dangerous health environment during the Covid-19 pandemic. An Bord Pleanála is not a public health authority and that there are currently no health policy restrictions on the development or operation of student accommodation. It is also noted that the pandemic is considered to be temporary in nature. I consider that matters relating to health and safety risks that may or may not arise are ultimately matters that would be dealt with more appropriately outside of the planning process.

#### Non-Compliance with Previous Permissions

10.10.4. Matters relating to alleged non-compliance with previous permissions on this site are a matter for the Enforcement Section of the Planning Authority.

#### Validation Issues

10.10.5. An observer submission has stated that the delineation of the site boundary and site ownership on drawing no. P18-051D-RAU-ZZ-ZZ-DR-A-ELE-2203 is not accurately drawn and the application should be deemed invalid on this basis. I note that the drawing in question is a 'Proposed Contiguous Elevation' drawing which does appear to show the eastern site boundary in the incorrect position on the South (Temple Road) Contiguous Elevation. However the site boundaries are shown correctly in the key site location drawings and other site layout drawings and I am not of the view that this minor error is sufficient to warrant invalidation of the application.

#### **10.11. Planning Authority's Submission including Internal Reports, views of Elected Members and Recommended Conditions**

10.11.1. The Planning Authority are generally supportive of the proposal and have not raised any fundamental objections to same. There are no conditions of particular note recommended. There are however concerns raised in the report of the Conservation Officer, namely in relation to the impact on the existing Protected Structures on and adjacent to the site, which I have addressed in Section 10.3 of this report. The Parks Department has raised concerns in relation to the impact on trees, including the existing Arboretum, which I have addressed in Section 10.7 of this report. I have addressed the concerns raised by Elected Members in the relevant Sections of this report.

#### **10.12. Material Contravention**

10.12.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (c) of same states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that,

if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'. As noted in Section 10.2, I do not consider that the proposal materially contravenes the zoning objectives that pertain to the site.

10.12.2. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.12.3. The applicant has submitted a Statement of Material Contravention which refers to potential material contraventions of the Dublin City Development Plan 2016-2022 in relation to the matters of (i) Height and (ii) Car Parking and (iii) Maximum Student Accommodation Standards.

#### Height

10.12.4. In relation to height, the Material Contravention Statement refers to Section 16.7 of the Development Plan which sets out a range of permissible building heights for different areas in the City. As per Figure 39 and Section 16.7.2 of the Development Plan, the subject site is located within the 'Outer City' area and 'low-rise' category. Accordingly, a maximum permissible building height of 16 m (commercial and residential) above ground level applies on the site.

10.12.5. The current proposal has a maximum building height of 25.5m above ground level and therefore exceeds the 16m maximum permissible building height for low-rise areas as provided for under the Dublin City Development Plan. Justification is set out in the Material Contravention Statement for the breach in the height, with reference to the criteria of 37(2)(b). Reference is made to the provisions of the National

Planning Framework, Rebuilding Ireland, Housing for All, the National Student Accommodation Strategy and the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) as well as other relevant provisions of the Dublin City Development Plan. Relevant Section 28 Guidance is also referred to including the Urban Development and Building Heights – Guidelines for Planning Authorities (2018), Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated ‘Urban Design Manual’) 2009 and Sustainable Urban Housing: Design Standards for New Apartments (2020). The Material Contravention Statement has assessed the proposal against the requirements of SPPR3 including an assessment against the criteria as set out in Section 3.2 of the Building Height Guidelines.

- 10.12.6. The Planning Authority note the contents of the Material Contravention Statement but have not recommended refusal of the application on the basis of height and the planning report support the heights generally (also I note the contents of the Conservation Officer and Parks report which recommend the height be reduced).
- 10.12.7. Observer submissions have stated the proposal is a material contravention of the Development Plan and there is insufficient justification for this, and it is set out the proposal does not comply with national policy and Section 28 guidelines, including the criteria as set out in Section 3.2 of the Building Height Guidelines.
- 10.12.8. I am of the view that the proposed is a material contravention of the height parameters as set out in Section 16.7 of the Development Plan which sets out a range of permissible building heights for different areas in the City. As per Figure 39 and Section 16.7.2 the maximum building height for the outer city areas such as this is 16 m and the proposed development is 25.5m at its maximum, some 9.5m above the maximum height limitation. As such I am of the view that if Board wished to consider a grant of permission that it should be done so having regard to the provisions of s.37(2)(b).
- 10.12.9. I have set out my considerations of the proposal, as relates to the relevant criteria of 37(2)(b) of the Planning and Development Act, below.
- 10.12.10. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature, in that it

is part of a cumulative response to a strategic issue of national importance (i.e. the provision of housing and compact urban growth). National policy as expressed within 'Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness', 'Housing for All - a New Housing Plan for Ireland 2021' and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, and sought to expedite decision making around developments such as that proposed on this site in response to the housing crisis. I note the proposal represents the intensification of an important site and makes a contribution to the housing stock, of some 358 no. student bedspaces and 4 no. staff apartments, and therefore seeks to address a fundamental objective of the Housing Action Plan, and as such addresses a matter of national importance, that of housing delivery.

10.12.11. With reference to section 37(2)(b)(iii) of the Act, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO 13 refers). Also of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.

10.12.12. In relation to relevant Section 28 Guidelines, given that the potential material contravention in this instance relate to the matters of height, those of most relevance are the Urban Development and Building Height Guidelines (2018), issued under Section 28 of the PDA 2000 (hereinafter referred to as the Building Height Guidelines). The Building Height Guidelines state that increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development. It is further set out that building heights must be generally increased in appropriate urban locations, subject to the specific criteria as set out in Section 3.2 of the Guidelines. In principle, given the locational characteristics of this site, on a site that is well served by public

transport, increased heights on this site are supported by the Building Height Guidelines, subject to a detailed consideration of the design merits of the proposal, including a consideration of the proposal in relation to the criteria as set out in Section 3.2 of the Guidelines. I have considered the merits, or otherwise, of the design of the proposed development, within Section 10.4 of this report, including a consideration of the criteria in Section 3.2 of the Height Guidelines and I am satisfied the proposal complies with same.

- 10.12.13. Therefore, having regard to the considerations above, should the Board be minded to materially contravene the provisions of the Dublin City Development Plan 2016-2022, as relates to matter of height, in principle, it can do so having regard the criteria of 37(2)(b)(i) and (iii).

#### Car Parking

- 10.12.14. In relation to car parking, the Material Contravention Statement refers to Section 16.38 of the Development Plan which sets out car parking standards applicable across the City. The site is within Area 2 (Map J of the Development Plan) and Table 16.1 sets out the relevant standards which are:

- Residential – 1 per dwelling;
- Student Accommodation – 1 per 20 bed spaces; and
- Colleges of Further Education – 1 per classroom and 1 per 30 students.

- 10.12.15. Section 16.38 states that ‘Parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety. In addition, the planning authority may require the maximum number of car parking spaces specified in Table 16.1 to be further reduced where it is considered that the surrounding road network is not sufficient to cater for the volume of traffic likely to be generated by the proposed development.’

- 10.12.16. It is further stated that a relaxation of maximum car parking standards will be considered for any site within Parking Zone 1 (as illustrated on Map J) provided it is located within close proximity to quality public transport.

- 10.12.17. Based on Table 16.1 standards, a maximum of 23 no. car parking spaces could be provided – 18 no. spaces to serve the student accommodation, 4 no.

spaces for the staff apartments and 1 no. space for the botany class rooms. The proposed development has been designed as a zero-parking scheme having regard to the context of the site, the nature of the proposed use, transportation surveys undertaken in 2019, and the Mobility Management Plan and the availability of existing car parking serving the wider Trinity Hall campus.

10.12.18. Where a deviation from maximum standards is to be considered, the acceptability of proposals will be assessed against a number of criteria including, inter alia:

- The civic importance of the scheme
- The identified need for public car parking in the area
- The accessibility of the surrounding area
- Road capacity and impact on the road network
- The mix and appropriateness of uses proposed
- The impact on the public realm, streetscape and urban fabric of the city
- The impact on the grain and vitality of city streets
- Compliance with Section 4.5.5, 'The Public Realm'
- Compliance with policies to make efficient use of finite urban land and consolidate the city
- Compliance with policies to safeguard investment in public transport and encourage modal shift.

10.12.19. The Material Contravention Statement sets out a justification for the level of car parking provided, making reference to the provisions of Section 37(2)(b). Reference is made to the provisions of the NPF, the RSES and the Apartment Guidelines, as well as the relevant provisions of the Development Plan itself.

10.12.20. The Planning Authority have not stated the proposal is a material contravention of the car parking standards.

10.12.21. Observer submissions have not stated the proposal is a material contravention of the car parking standards.

10.12.22. I note that the standards as set out Section 16.38 of the Plan are supported by Objective MT17 which states:

‘To provide for sustainable levels of carparking and car storage in residential schemes in accordance with development plan car parking standards (section 16.38) so as to promote city centre living and reduce the requirement for car parking’.

10.12.23. To my mind there is some ambiguity in the plan as relates to the specific area where parking standards may be relaxed, as reference is made to both a relaxation of car parking subject to certain criteria being met, but not restricting this to any particular car parking zone, yet there is also a reference to a relaxation of parking standards within Zone 1, subject to certain criteria having been met. The site lies within Zone 2. However, a reading of the entirety of the relevant text as set out in Section 16.38, to my mind, allows for a relaxation of maximum parking standards, subject to the meeting of certain criteria, notwithstanding what Zone the site is located in. I have assessed the proposal against the criteria above and I have concluded that it complies with the criteria which allows for a reduction in car parking from the maximum. I note that the standards are supported by a specific policy objective in the plan. The standards themselves allow a degree of flexibility. I am of the mind that given this degree of flexibility inherent within the standards that a ‘car-free’ development would not constitute a material contravention of the plan, nor would it constitute a contravention of the plan. This view is supported by the fact that neither the report of the Planning Authority, nor the associated report from the Transport Division, have objected to the provision of a car free development here.

#### Maximum Student Accommodation Standards

10.12.24. Section 16.10.7 of the Development Plan includes internal standards which apply to student accommodation, including the following:

‘Student accommodation to generally be provided by grouping study bedrooms in ‘house’ units, with a minimum of 3 bed spaces with an overall minimum gross floor area of 55 sq.m up to a maximum of 8 bed spaces and a maximum gross floor area of 160 sq.m’

10.12.25. 10 no. of the 8-bed units exceed the maximum gross floor area (GFA) of 160 sqm. The 10 no. units which maximum GFA range in size from 168-169sqm, with one unit of 186sqm GFA.



10.12.26. The Planning Authority have not stated the proposal is a material contravention of the car parking standards.

10.12.27. I have set out my consideration of the standard of accommodation provided in Section 10.5 above. Specifically in relation to the matter of material contravention I am not of the view that the provision of 10 no units over the maximum standard is a contravention of the standard. I note that the wording of the standard contains the word 'generally' to my mind implying that there will be certain instances where the stated standards are not strictly adhered to, as is the case here. Even it were argued that the provision of 10 no. oversized units is contravention of the standard, I am not of the view the breach is material. 9 of the 10 oversized units breach the maximum standard by 9 sq. m or less, with 1 no. accessible unit breaching the standard by 26 sq. m. The latter breach is somewhat greater, although given that this is limited to one unit (approximating to 4% of the overall total number of units) I am of the view that the quantum of units impacted is so minimal so as not to constitute a material contravention of the standards set out in Section 16.10.7 of the Development Plan.

#### Other Potential Material Contraventions

10.12.28. While the issues below have not been considered in the applicant's Material Contravention Statement, they have been either been raised by observers on the application, or require consideration in the context of material contravention discussions, and as such I have considered same below.

#### Institutional Land (Density, Open Space, Masterplan)

10.12.29. Policy QH1 of Chapter 5 'Quality Housing' of the Dublin City Development Plan 2016-2022, states that the Council will have regard to various Section 28 Guidelines, including the 'Sustainable Residential Development in Urban Areas and the accompanying 'Urban Design Manual: A Best Practice Guide (2009)'. Policy SN4, in relation to sustainable neighbourhoods also states that the council will have regard to, *inter alia*, 'Sustainable Residential Development in Urban Areas (2009)'. Section 16.4 'Density Standards' of the Development Plan, states that the Council will promote sustainable densities in accordance with the standards and guidance set out in *inter alia* the 'Sustainable Residential Development in Urban Areas.

10.12.30. Observer submissions have stated that the proposal does not comply with the parameters within “Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines (2009)”, in relation to outer suburban/greenfield sites and institutional lands. I am not of the view that the site can be considered an ‘Outer Suburban/Greenfield’ site, given the definition of same within the guidelines, which are sites defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. This is not the case in this instance. However, site could be considered to fall into the category of ‘Institutional Lands’, given its ownership by Trinity College Dublin and given its current use as student accommodation campus with facilities on the site that are associated with the TCD Botany Department. The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) note that 20% of such sites should be specified as ‘open space’ and it should be an objective to retain some of the open character of the lands. In addition it is stated that *‘In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph)’*. It is further set out that in cases where there is no Local Area Plan (LAP) in place to guide development of such institutional lands, application for development of institutional lands should be accompanied by a masterplan. There is no LAP in place that pertains to the subject site.

10.12.31. In relation to the issue of density, I have considered the applicability of residential density standards to student accommodation developments in Section 10.2 above, and I have concluded that it is not possible or desirable to apply the traditional residential density standards, as expressed in the Sustainable Residential Development Guidelines (and as expressed in the Apartment Guidelines, 2020) to student accommodation proposals. As such, notwithstanding that Section 16.4 of the Development Plan ‘Density Standards’, states that the Council will promote sustainable densities in accordance with the standards and guidance set out in *inter alia* the ‘Sustainable Residential Development in Urban Areas, I am not of the view that the proposal represents a material contravention of the Development Plan, given the non-applicability of such standards to student accommodation developments.

10.12.32. In relation to the issue of open space, I note that Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) seek that 20% of Institutional sites should be specified as 'open space' and it can be argued that Policies QH1 and Policy SN4, as referred to above, seek to apply this standard to Institutional Sites (although the wording of the policies do not specifically deal with the issue of Institutional Sites or Open Space). In this instance the stated site area is 10,665 sq. m. The proposed development has a specified courtyard of 1,056 sq. m, which equates to 9.5% of the stated site area. Within the red-line boundary of the application site, there are formal hard landscaped areas to the west of the site, with more informal landscaped areas, to the south of Block B, and to the east and north of Block A, including the area of the arboretum, which can be classified as open space in my view. I note that informal walkways are provided through these informal landscaped areas, which allows their utilisation as an amenity. I calculated that the area of the hard landscaped area and the informal landscaped areas, within the red-line boundary, is approximately 800 sq. The total area then of the application site that has been dedicated to some form of open space equates to approximately 17%. While this is not 20% as set out in the guidelines, I am not of the view that the shortfall is material. I am also of the view that, given that 17% of the site is maintained as some form of open space, the open character of the site, insofar as it has such a character, is maintained. On the wider Trinity College site, outside of the red line boundary, but within the confines of the boundary walls, I note there is large areas of open space surrounding the existing student accommodation blocks, as well as the more formal planted area of the Botanic Gardens, and it is likely that over 20% of the entire student accommodation campus remains as open space. I note that the Sustainable Residential Development Guidelines refers to the 'site area', not the 'application site area' and as such it can be argued that when the entire site is considered, the entire TCD site retains over 20% as open space, and is therefore in compliance with the Guidelines. I note also the site lies directly to the south-west of Palmerston Park which is a publicly accessible park and I note the Guideline state the objective to retain the open character of the site should be considered in the context of existing open space in the area generally. I am of the view the area is well served by this existing park, which is an open space of high quality, well utilised by locals. I have noted the self-contained nature of the campus and the restriction of public access to such institutions is not unusual, limiting the scope for the provision

of public open space on the site, notwithstanding the lack of any specific policy requirement for the provision of same. I am satisfied that should the Board consider the provisions of the Sustainable Residential Development Guidelines apply in this instance, the criteria within these guidelines as relates to open space provision have broadly been complied with, notwithstanding the slight shortfall in overall open space provision, when the 'red-line boundary' application site is considered.

- 10.12.33. In relation to the requirement for a masterplan, I note no specific masterplan explicitly responding to the contents of the Sustainable Residential Development Guidelines has been submitted. It can be argued that Policies QH1 and Policy SN4, as referred to above, require the submission of a masterplan to guide development of this site (although the wording of the policies do not specifically deal with the issue of Institutional Sites/Masterplans). I have considered the applicability of this requirement to this site in Section 10.2 above and have noted its limited usefulness or applicability to this particular site, where the site has been essentially developed, with this proposed development in place. Notwithstanding, the documents and drawings submitted, including the site layout plan and the landscape masterplan, do indicate the proposed development under consideration here, in the context of the existing wider TCD site, and indicate how the proposed development integrates with the existing development on site, and given the nature of the existing site, I am of the view that these documents serve the same purpose that a specifically submitted masterplan would also do. As such I am not of the view that the proposed development is a material contravention of Policies QH1 and Policy SN4, as relates to the potential requirement for a masterplan.

#### Site Coverage

- 10.12.34. Section 16.6 of the Development Plan sets out Indicative Site Coverage for Z1 and Z2 site, with development within Z1 sites expected to achieve between 45% and 60 %, with development on Z2 site expected to have a maximum site coverage of 45%. The stated site coverage in this instance is 32%, lower than that envisaged for Z1 and Z2 zoned sites such as this one. I am not of the view that the shortfall represents a contravention of the plan, given that the site coverage figures are 'indicative' and furthermore are a development standard rather than a specific policy or objective of the plan.

### Conclusion on the issue of Material Contravention

10.12.35. I am not of the view that the proposal represents a material contravention of the development plan as relates to issues of car parking, student accommodation standards, density, open space or site coverage.

10.12.36. I am of the view however that the proposal represents a material contravention of the height parameters as set out in Section 16.7.2 of the Development Plan, for the reasons and considerations. I am of the view that should the Board be minded to invoke the material contravention procedure, as relates to matters of height;

- In principle, meets the criteria of 37(2)(b)(i), as the development is strategic in nature and relates to matters of national importance (the delivery of housing);
- The proposal meets the criteria of 37(2)(b)(iii), as increased heights (generally, through increased densities of development) are supported by national and regional policy, and by relevant Section 28 Guidelines, namely the Urban Development and Building Height Guidelines (2018);

10.12.37. Specifically, should the Board be minded to invoke the material contravention procedure, as relates to the provisions of the Dublin City Development Plan 2016-2022 pertaining to height, I consider that, in principle, the provisions of Section 37(2)(b)(i) and (iii) have been met, and in this regard I consider that the Board can grant permission for the proposal, should it be minded to do so.

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

11.1.1. The applicant has submitted an Environmental Report, which incorporates an EIA Screening Report. Section 1 of this report screens for Environmental Impact Assessment. This screening refers to Class 10 'Infrastructure' projects' and Class 13 'Changes, Extensions, Development and Testing' of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. Relevant Class 10 thresholds are set out which are:

- Construction of more than 500 dwelling units

- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

11.1.2. Class 13 (a) applies to “Any change or extension of development already authorised, executed or in the process of being executed which would;

(i) Result in the development being of a class listed in...paragraphs 1 – 12 of Part 2 of this Schedule, and

(ii) Result in an increase in size greater than

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.”

11.1.3. In relation to Class 10, it is set out in the Screening Report that the 358 student bedspaces are arranged in 50 no. student units. There are also 4 no. staff apartments. As such it is set out that the proposed development provides for a total of 54 no. dwelling units on a site of 1.07 ha. It is stated that the proposed number of dwelling units is significantly below the 500 dwelling unit threshold set out in Class 10(b)(i). It is further set out that the site is located within a ‘built-up’ area and as such the site area is significantly below the 10 ha threshold that apply to sites within such areas.

11.1.4. In relation to Class 13(a), it is contended in the Screening Report that this class can be considered by reference to the relevant thresholds, i.e with the area of the site or the number of dwellings.

11.1.5. In relation to the site area, for the purposes of Class 13(a)(i), it is set out that the overall Dartry Hall site, including the application site, is 4.27 ha, which does not exceed the relevant 10ha threshold identified in Class 10(b)(iv). For the purposes of Class 13(a)(ii), 50% of the threshold, as set out in Class 10(b)(iv), is the larger at 5 ha. The site is 1.07ha and it is stated that this is significantly below this threshold.

11.1.6. In relation to the number of dwelling units, it is stated that the combined total of all the dwelling units on the site, 54 as now proposed, and 178 units as permitted under PA Reg. Ref. 1101/99 (ABP Ref. 29S.117164), gives a total of 232 no. apartments. For the purposes of Class 13 (a)(i), this total does not exceed the threshold of 500

dwelling. For the purposes of Class 13(a)(iii), this total does not result in an increase of 50% or over of the relevant threshold (which would equate to 250 no. dwellings).

11.1.7. The Screening Report concludes a mandatory EIAR is not required. I note that the application is accompanied by a Legal Opinion from Ronan Murphy S.C. which also expressed the opinion that a mandatory EIAR is not required, for the same reasons as set out in the applicant's EIA Screening Report.

11.1.8. The Applicant's Screening Report considers sub-threshold development, with reference to Section 172(b)(i) and (ii) of the PDA 2000, as amended, and with reference to Article 103(3) of the Planning and Development Regulations, 2001, as amended, which requires consideration of the criteria as set out in Schedule 7. Reference is also made to Section 3.2.3 of the Draft EPA Guidelines (2017) which refer to the criteria specified in Annex III of amended Directive 2014/52/EU. Tables A.3.1 to A.3.3 of the EIA Screening Report assesses the development against Schedule 7 of the Planning and Development Regulations. It is generally concluded that the uses proposed are consistent with the statutory planning framework for the site and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The applicant's Screening Report refers to the submission of a Natura Impact Statement (NIS). No significant impacts on landscapes or sites of historical, cultural or archaeological significance are highlighted in the applicant's EIA Screening Report. An assessment under Schedule 7A of the Regulations is set out in Table A.3.4.2 of the Screening Report, which cross references to Table A.3.1 to Tables A.3.3 above. The Screening Report concludes that the proposed works, either individually, or cumulatively when taking other relevant projects into account would not give rise to any significant effects on the environment which would otherwise require the preparation of an EIAR.

11.1.9. Observer submissions have stated that an EIAR is required for the development as the relevant thresholds are exceeded for the overall development. It is noted an EIS was submitted with the previous application for 830 bedspaces on the basis there were more than 500 dwelling units. It is set out that the assessment of cumulative impacts ignores the existing Trinity Hall Campus. It is set out that a new EIS is required on the basis of a recent Section 5 Declaration which determined that the

addition of 30 no. apartments to the development is development and not exempted development (APB Ref 307667). It is stated that the Planning Authority is unable to grant retention permission for a development that required an EIAR. Reference is made to a recent legal judgement that refers to the requirements for EIA Screening (Waltham Abbey Residents Association V ABP and others).

#### Inspector's Screening Assessment

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

(i) Construction of more than 500 dwelling units

(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district\*, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

11.1.11. In relation to Class 10(b)(i) I noted that the proposed development consists of the demolition of the existing building and the construction of 358 no. student bedspaces, 4 no. staff apartments and associate site works. Notwithstanding the views of some observers on this application, and the views expressed in the applicant's EIA Screening Report, I am not of the view that student clusters (or indeed bedspaces) can be defined as 'dwellings'. As per my views expressed in Section 10.2 of this report (as relates to residential density), I note that under the current proposal, the 50 no. student clusters are provided in the form of 5, 6, 7 and 8 bedroom units, and clearly these cannot be equated to standard residential houses or apartments (which for the most part are 1, 2, 3, 4 and possibly 5 bed units – larger units than this are the exception rather than the rule and are not generally incorporated within larger scale residential schemes). There are 4 no. staff apartments proposed and these are more akin to standard apartment units. The quantum of same falls well below the 500 dwelling unit threshold can be applied here having regard to regard to Class 10(b)(i).



11.1.12. In relation to Class 10(b)(iv) I note that the application site has an overall area of 1.0665 Ha. I am of the view the site is not within a business district and hence the relevant threshold is 10 ha, that which applies to a 'built-up' area. The site area falls below this threshold.

11.1.13. Class 13 (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended applies to "Any change or extension of development already authorised, executed or in the process of being executed which would;

(i) Result in the development being of a class listed in...paragraphs 1 – 12 of Part 2 of this Schedule, and

(ii) Result in an increase in size greater than

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater."

11.1.14. In relation to Class 13(a) of Part 2 of Schedule 5, I am of the view that the applicable threshold relates to site area only and not the number of dwellings as per the discussion above. In relation to the site area, for the purposes of Class 13(a)(i), I note the overall Dartry Hall site, including the application site, is 4.27 ha, which does not exceed the relevant 10ha threshold identified in Class 10(b)(iv). The site area does not increase and I am therefore of the opinion that Class 13(a)(ii) does not apply.

11.1.15. 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.*

11.1.16. The proposed development involves 358 no. student bedspaces and 4 no. staff apartment on a site with a stated area of c. 1.07ha. The site is serviced and zoned for residential development. The development is therefore sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (iv) of the Planning and Development Regulations 2001 (as amended), in that it is below 10 ha (that would be the

applicable threshold for this site, being outside a business district but within an urban area).

11.1.17. Therefore, in order to determine whether the proposed development requires EIA, the criteria set out in Schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should be applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact.

11.1.18. In this regard, I note that the site is a brownfield site where there is existing residential and institutional uses. The proposed development comprises of the demolition of Cunningham House, the Sports Hall including removal of existing part basement of 104sqm, a shed and part of existing random rubble wall to the rear of Greenane House. Total demolition works relate to approximately 2,864 sqm of existing floor area. All demolition works will be carried out in accordance with best practice in accordance with the submitted Construction and Demolition Waste Management Plan and the Construction and Environmental Management Plan I concur with view as set out in the applicant's Screening Report that no likely significant impacts are likely to occur as a result of the proposed demolition works. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. I note that the site is not designated for the protection of the landscape or of natural heritage. In relation to cultural heritage, I note the site of Rathmines Castle (RMP No. DU022-087) is located adjacent to the site, to the north-east of the site. With mitigation measures in place, including pre-development testing and monitoring of groundworks, I am satisfied there will be no significant impact on archaeology (as set out in Section 10.9 of this report). The site is not located within an Architectural Conservation Area. There are three Protected Structures on the wider Trinity Hall Campus: Purser House, Oldham House and Greenane. 'Esterel' House is also a Protected Structure which lies outside the Campus to the south-west corner of the application site. The applicant's EIA Screening report does not highlight any significant impacts on same. Notwithstanding the contents of the Architectural Heritage Impact Assessment, I am satisfied that any significant impacts on the Protected Structures referred to above can be ruled out (as per the detailed discussion in Section 10.3 of this report). The proposed development is not likely to have a significant effect on any European Site,

notwithstanding the submission of the NIS (as discussed in Section 12 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dublin City Council upon which its effects would be marginal.

11.1.19. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The submitted Environmental Report, which includes an EIA Screening Report (dated January 2022), includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including *inter alia*:

- Environmental Report
- Noise & Vibration Impact Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Assessment
- Daylight, Sunlight and Overshadowing Study
- Ecological Impact Assessment
- Natura Impact Assessment
- Student Concentration Report

- Mobility Management Plan
- Construction & Demolition Waste Management Plan
- Construction & Environmental Management Plan
- Basement Impact Assessment
- Civil Engineering Infrastructure Report including Flood Risk Assessment
- Architectural Design Report
- Landscape Strategy

11.1.20. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby 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, I note that the applicant has submitted a 'Statement in Accordance with Article 299B (1)(b)(ii)(II)(C)'. This notes that the following assessments / reports have been submitted: -

- A Site Specific Flood Risk Assessment has been submitted, which was undertaken in response to the EU Floods Directive (2007/60/EC).
- A Noise and Vibration Impact Assessment has been submitted in response to the Environmental Noise Directive (2002/49/EC)
- An AA Screening Report, a Natura Impact Statement (NIS), A Construction & Environmental Management Plan (CEMP), and outline Construction & Demolition Waste Management Plan and Civil Engineering Infrastructure Report has been submitted in response to the Water Framework Directive (2000/60/EC)
- A Construction and Environmental Management Plan (CEMP) has been submitted in Response to the EU Directive on the Minimum Safety and Health Requirements at Temporary or Mobile Construction Sites (92/57/EEC)

11.1.21. In relation to other relevant EU legislation, the Statement sets out the following:

- The NPF, RSES and Development Plan have all been subjected to Strategic Environmental Assessment (SEA) in accordance with the provisions of SEA Directive (2001/42/EC)

11.1.22. In addition to that set out in the applicant's 299B Statement I note the following:

- An AA Screening Report, a Natura Impact Statement and an Ecological Impact Assessment, have been submitted with the application in support of the Birds Directive (2009/147/EC);

11.1.23. I have taken into account the above documentation when screening for EIA. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the nature and scale of the project, the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am satisfied that information required under Section 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations, and as per the conclusions of the EIA screening assessment in Appendix A of this report.

## **12.0 Appropriate Assessment**

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

### Compliance with Article 6(3) of the Habitats Directive

12.1.2. 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. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

- 12.1.3. The applicant has submitted a Natura Impact Statement (NIS) as part of the planning application, with an Appropriate Assessment Screening Report included as Appendix 1 of same. The Screening Report and NIS have been prepared by MKO Planning and Development Consultants, and is supported by an Ecological Impact Assessment (EclA), also prepared by MKO Planning and Development Consultants.
- 12.1.4. The Screening Report (and NIS) is underpinned by a baseline ecological survey undertaken on 17<sup>th</sup> April 2019 and on 20<sup>th</sup> September 2021. The Screening Report provides a description of the proposed development which is as described in Section 3 of this report. It is noted that surface water from the site will discharge to the public network which ultimately discharges to the River Dodder approximately 5.2km upstream of Dublin Bay. Foul water will discharge to the existing public sewer network.
- 12.1.5. In terms of habitats on the site, the screening report noted that no habitats protected under Annex I of the EU Habitats Directive and no protected fauna or supporting habitat for protected fauna associated with any European sites were recorded within the site. The site of the proposed development consists of buildings and paved surfaces classified as Buildings and artificial surfaces (BL3). These were surrounded by Amenity grassland (GA2) and Scattered trees and parkland (WD5) and Flower beds and borders (BC4). Other habitats present include low-growing fragmented ornamental Hedgerows (WL1) and short scattered Treelines (WL2).
- 12.1.6. There are no watercourses within the proposed development site. The nearest watercourse is the Dodder River, approximately 310m to the south of the development boundary. None of the habitats within the development boundary correspond to habitats listed on Annex I of the EU Habitats Directive. No supporting

habitat for Annex II species associated with any European Site was identified within the proposed development site. No supporting habitat for wetland bird species associated with South Dublin Bay and Tolka River Estuary SPA and North Bull Island SPA was identified within the proposed development site.

- 12.1.7. The non-native invasive species three-cornered leek (*Allium triquetrum*) and Spanish Bluebell (*Hyacinthoides hispanica*) were widespread in the flower beds and borders within the proposed development site. These species are listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011. No other Third Schedule species was identified within the site boundary during the site visits.
- 12.1.8. The surveys determined that the site was found to consist predominantly of highly modified habitats and was not found to support any habitats of conservation concern, including those protected under Annex I of the EU Habitats Directive. Habitats noted consisted of Buildings and artificial surfaces (BL3), Amenity grassland (GA2), Scattered trees and parklands (WD5), Flower beds and borders (BC4), Hedgerows (WL1) and Treelines (WL2).
- 12.1.9. Section 3 of the Screening Report sets out a Likely Zone of Impact of the proposed development, with any Natura 2000 sites beyond 15km being ruled out initially, given no potential pathway for indirect effects on sites at a distance of over 15km from the proposed development was identified. Table 3.1 of the report identifies those sites within the Likely Zone of Impact. I have set out same below:
- South Dublin Bay and River Tolka Estuary SPA (004024) 3.6km
  - South Dublin Bay SAC (000210) 3.6km
  - Dalkey Islands SPA (004172) 11.5km
  - Rockabill to Dalkey Island SAC (003000) 11.2km
  - North Bull Island SPA (004006) 7.5km
  - North Dublin Bay SAC (000206) 7.5km
  - Ballyman Glen SAC (00713) 13km
  - Knocksink Wood SAC (000725) 11.4km
  - Wicklow Mountains SAC (002122) 8.2km

- Wicklow Mountains SPA (004040) 8.5km
- Howth Head Coast SAC (000202) 12.5km
- Howth Head Coast SPA (004113) 14.8km
- Baldoyle Bay SAC (000199) 12.9km
- Baldoyle Bay SPA (004016) 12.9km
- Glenasmole Valley SAC (001209) 9.2km

12.1.10. Impact pathways were then analysed. In relation the Dublin Bay Natura sites, pathways from the surface water discharge, which will discharge to the River Dodder, approximately 5.2km upstream of Dublin Bay are identified. It is set out that, taking a precautionary approach, a potential pathway for indirect effects on these Natura Sites as a result of surface water pollution via the public surface water network and the River Dodder during the construction and operational phases of the development was identified. Consequently, it is concluded within the Screening Report that the potential for significant effects on the Dublin Bay Natura sites cannot be excluded at this stage of the Appropriate Assessment process. Impacts on other sites within the 'Potential Zone of Impact' are ruled out for reasons as set out in the Screening Report, namely a lack of a pathway to same and/or distance from the site. In relation to cumulative impacts, where potential pathways for effect have been identified in the Screening report, the potential for cumulative effects resulting from the proposed surface water upgrade works when considered in combination with other plans and projects, cannot be discounted at this stage and further assessment is required. The Screening Report concludes then, that an NIS is required.

12.1.11. The Natura Impact Statement (NIS) sets out detailed information in relation to the Dublin Bay Natura 2000 sites, including the specific conservation objectives relating to each site, the site specific pressures and threats, as well as a detail description of the Annex 1 habitats associated with each of the sites. Section 5.2 sets out the potential effects on the 4 no. European Sites and this is confined to a consideration of deterioration of surface water as a result of surface water pollution via the surface water network and the River Dodder. The NIS sets out the best practice control measures that have been incorporated into the design of the development and these include construction phase measures that are set out in the Construction and



Environmental Management Plan (CEMP) to ensure water quality is maintained. It is stated in the NIS, that post implementation of best practice and preventative measures, as described in the NIS and the CEMP, no potential for adverse impact on water quality exists in the Dodder River and in any of the downstream European Sites within Dublin Bay and the measures described ensure that the proposed project does not prevent or obstruct any of the QIs from reaching Favourable Conservation Status as per Article 1 of the EU Habitats Directive. No indirect effects on any Natura Sites, as a result of foul water discharge or as a result of surface water run-off, are anticipated.

- 12.1.12. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

#### Need for Stage 1 AA Screening

- 12.1.13. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### Brief Description of the Development

- 12.1.14. The development is as summarised in Section 3 of this Report. It is noted in the NIS that surface water generated during construction activities will be directed towards settlement tanks prior to controlled discharge to the public surface water network. At operational stage, surface water from the site will discharge to the public sewer network, which outfalls to the River Dodder at a point approximately 5.2km upstream of Dublin Bay. In relation to surface water management at operational stage, the proposed development will involve the removal of the existing attenuation system with alternative SuDs measures proposed. Surface water from approximately 45% of all flat roof areas will be initially intercepted by a sedum green roof which subsequently discharges into rain gardens, providing two stage treatment prior to

outfall from the site into the public surface water network. A rainwater harvesting tank has been provided with a storage volume of 101m<sup>3</sup>. It is proposed to implement an automated monitoring system within the tank which allows the total volume to be utilised for attenuation storage solely during heavy rainfall events. This tank will be fed by the remaining flat roof, pitched roof and paved/gravel roof areas. Interception storage will be provided as a combination of at source interception (green roof, permeable paving and rain gardens) and an active attenuation system incorporating rainwater harvesting. Discharge from the site will be limited to the greenfield run-off rate of 2.0l/s by means of a flow control device. The proposed development will be designed in accordance with the principles of Sustainable Drainage Systems (SuDS) as set out in Greater Dublin Strategic Drainage Study (GDSDS).

#### Site Description

- 12.1.15. The applicant's AA Screening report (and EclA) sets out a detailed description of habitats on the site, and these are as described above. In the screening report noted that no habitats protected under Annex I of the EU Habitats Directive and no protected fauna or supporting habitat for protected fauna associated with any European sites were recorded within the site. There are no watercourses within the proposed development site. The nearest watercourse is the Dodder River, approximately 310m to the south of the development boundary. No supporting habitat for Annex II species associated with any European Site was identified within the proposed development site. No supporting habitat for wetland bird species associated with South Dublin Bay and Tolka River Estuary SPA and North Bull Island SPA was identified within the proposed development site.

#### Submissions and Observations

- 12.1.16. The Planning Authority have not raised any issues as relates to Appropriate Assessment, nor have objections being raised in relation to surface water proposals. Irish Water have not raised any issues in relation to foul water proposals, nor have Irish Water cited capacity constraints as relates to foul water drainage or treatment. The NPWS have not raised any concerns in relation to impact on any Natura Sites.
- 12.1.17. Observer submissions have not raised any issues as relates specifically to impacts on European Sites but more generally concerns are raised in relation to impacts on

ecology including impacts on bats. General concern is raised in relation to the timing of the bat surveys.

### Zone of Influence

12.2. Section 3 of the Screening Report sets out the assessment methodology in determining those Natura Sites within a 'Potential Zone of Impact' which I have described above. A summary of the 15 no. European Sites that occur within a 15km radius of the proposed development is presented in the AA Screening Report. I have set out a summary of same below in Table 1 below

**Table 1**

Site (site code)	Distance from site	Qualifying Interests	Conservation Objectives;
South Dublin Bay and River Tolka Estuary SPA (004024)	3.6km	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p>	To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.

		<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>	
South Dublin Bay SAC (000210)	3.6km	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Dalkey Islands SPA (004172)	11.5km	<p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Rockabill to Dalkey Island SAC (003000)	11.2km	Reefs [1170]  Harbour Porpoise (Phocoena phocoena) [1351]	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.
North Bull Island SPA (004006)	7.5km	Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Shelduck (Tadorna tadorna) [A048]  Teal (Anas crecca) [A052]  Pintail (Anas acuta) [A054]  Shoveler (Anas clypeata) [A056]  Oystercatcher (Haematopus ostralegus) [A130]  Golden Plover (Pluvialis apricaria) [A140]  Grey Plover (Pluvialis squatarola) [A141]  Knot (Calidris canutus) [A143]  Sanderling (Calidris alba) [A144]	To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.

		<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>	
North Dublin Bay SAC (000206)	7.5km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

		<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><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	
Ballyman Glen SAC (00713)	13km	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7320]</p>	To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
Knocksink Wood SAC (000725)	11.4km	<p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p>	To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

<p>Wicklow Mountains SAC (002122)</p>	<p>8.2km</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 [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>To maintain or restore the favourable conservation condition of the species and habitats listed as Special Conservation Interests for this SAC.</p>
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		<p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>	
Wicklow Mountains SPA (004040)	8.5km	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
Howth Head Coast SAC (000202)	12.5km	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
Howth Head Coast SPA (004113)	14.8km	A188] Kittiwake ( <i>Rissa tridactyla</i> )	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation

			Interests for this SPA.
Baldoyle Bay SAC (000199)	12.9km	<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 (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Baldoyle Bay SPA (004016)	12.9km	<p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p>	To maintain or restore the favourable conservation condition of the bird species and habitats listed as Special Conservation Interests for this SPA.
Glenasmole Valley SAC (001209)	9.2km	Semi-natural dry grasslands and scrubland facies on calcareous	To maintain the favourable conservation

		substrates (Festuco-Brometalia) [6210]  Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]  Petrifying springs with tufa formation (Cratoneurion) [7220]	condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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- 12.3. The specific qualifying interests and conservation objectives of the above sites are described in Table 1 above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool ([www.epa.ie](http://www.epa.ie)), as well as by the information on file, including observations on the application made by prescribed bodies and observers, and I have also visited the site.
- 12.3.1. In terms of determining the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. In identifying potential impact sources and pathways connecting the development to Natura 2000 site, I am of the view that the arbitrary use of the 15km radius is not necessary to determine a Zone of Influence, but rather identification of possible impact pathways should determine same. I am of the view that the only sites that are within the 'Zone of Influence' of the proposed development are those sites in or associated with Dublin Bay, due to indirect connections via the surface water network, and foul water discharge via the Ringsend WWTP.
- 12.3.2. There are no other evident impact pathways, noting in particular the lack of habitats on the site for any species of conservation interest associated with any European Site and the lack of habitat suitable for any birds of special conservation interest associated with any European Site. There is no evidence the site lies in a sensitive location as regards to birds nor that the height of the buildings at a maximum of 8 storeys would pose a danger in relation to bird strike. The maximum height proposed

is not significantly higher than the maximum height of existing block. I also note that the site itself, as existing, is not deemed to represent suitable ex-situ feeding/roosting habitat for any species associated with a Natura 2000 site.

- 12.3.3. The surface water outfall is to the River Dodder, at a point approximately 5.2km upstream of Dublin Bay with the eventual outfall to Dublin Bay. The foul water discharge from the site is treated at Ringsend WWTP which discharges into Dublin Bay (at the point of the River Liffey Estuary). The surface water and foul water proposals provide indirect hydrological connections from the site to Dublin Bay Natura 2000 sites. Therefore the indirect hydrological connection of key relevance is that relating to the Natura 2000 Sites in the vicinity of Dublin Bay (that is North Bull Island SPA (004006), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210)). It is reasonable to assume that, where the water quality and the conservation objectives of the European sites immediately proximate to Dublin Bay (ie North Bull Island SPA (004006), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210)) are unaffected by the proposed development, having regard to the source pathway model, the conservation objectives of those European sites at a greater distance would also be unaffected.
- 12.3.4. I am not of the view that there is a direct pathway for surface water, at construction stage, to flow from the site directly to the River Dodder and hence indirectly to the nearest Natura sites, South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210), having regard to the distance from the site to the River Dodder which is some 310m from the site, and is buffered from the proposed development by residential developments and the road network. However, indirect pathways to the Dublin Bay site do exist at construction stage via contaminated run off entering the public surface water drainage network, and outfalling into the River Dodder, and subsequently into Dublin Bay.
- 12.3.5. Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. The proposed site does not support populations of any fauna species links with the qualifying interest or special conservation interests of any European Site. I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any

European Site, or nor will it result in a loss of any *ex-situ* foraging or roosting site for qualifying species of European sites in the wider area.

- 12.3.6. In relation to other sites, I am satisfied that the potential for impacts on the other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.
- 12.3.7. Those sites which I have concluded lie within the 'Zone of Influence' of the proposed development are set out below:
- **North Bull Island SPA (004006), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024) and South Dublin Bay SAC (000210)** - Potential impacts have been identified from surface water run-off during construction and operation and from operational wastewater discharges.
- 12.3.8. The species of qualifying interest/special conservation interest, and the conservation objectives of the above sites are set out in Table 1 above.

### **Assessment of Likely Significant Effects**

#### Surface Water

- 12.3.9. In relation to those conclusions made within the Screening Report, and in particular in relation to the stated need for an NIS, I have the following observations. The Screening Report and NIS refers to likely significant effects on the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA that are possible from the proposed works, as a result of contaminated surface water entering the Dodder River indirectly via the public surface water network during both the construction and operational phases, in the absence of mitigation measures. In relation to same I note that standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution at construction stage, as outlined in detail in the Construction Environmental Management Plan, would prevent polluted surface water from entering the surface water drainage network. However, even in the absence of the above measures, I note that is at least 5.2km from the point of discharge into the River Dodder to the mouth of the Dodder where it enters Dublin Bay. As such the ecological connection is somewhat weak, in my view, and I would consider that any contaminants (i.e. such as oils, hydrocarbons, silt etc) would be sufficiently dispersed and diluted by the point of entry into Dublin Bay such that

likely significant effects on the Dublin Bay Natura sites referred to above can be ruled out.

12.3.10. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the 'Civil Engineering Infrastructure Report and within the Flood Risk Assessment will serve to limit the quantity and improve the quality of surface water runoff. These include interception storage measures with on site-attenuation during heavy rainfall events. It is also proposed to restrict outflows to 2l/sec/ha. These SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a residential development on any brownfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on an urban site whether or not they were explicitly required by the terms or conditions of a planning permission. As such, I am satisfied that the surface water design features proposed at operational stage will ensure the quality of surface water run-off will be sufficient so as not to result in any likely significant effects on any Natura 2000 within Dublin Bay, or any other Natura 2000 sites, having regard to the sites' conservation objectives. Notwithstanding, and even if these standard work practices were not employed, or should they fail for any reason, and pollutants enter Dublin Bay indirectly via the public surface water network and via the River Dodder, I am of the view that any such contaminants would be sufficiently dispersed and diluted within the surface water network and within the estuarine/marine environment of Dublin Bay, such that likely significant effects on those Natura 2000 sites within and adjacent to Dublin Bay can be ruled out.

12.3.11. In conclusion therefore, while there is an indirect connection to Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC and North Bull Island SPA, via the surface water network, I am of the view that any

particulates or pollutants will be diluted within the surface water network and the marine /estuarine environment of Dublin Bay and would not be seen to be at levels that would cause significant effects on the Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary SPA, the North Dublin Bay SAC or North Bull Island SPA. As such likely significant effects on the Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC and North Bull Island SPA can be ruled out.

#### Foul Water

12.3.12. With regard to wastewater, this will discharge to Ringsend WWTP. Information on the Irish Water website indicates that the Ringsend WWTP plant is operating above its capacity of 1.64 million P.E. with the average daily load received at Ringsend Wastewater Treatment Plant in 2019 being 1.98 million population equivalent with peaks well in excess of this. I note that Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions. In this regard, upgrade works have been permitted and are underway on the WWTP which will eventually cater for a 2.4 million population equivalent when completed in 2025, with phased upgrades allowing for 2.1 million population equivalent by 2023<sup>5</sup>. However, notwithstanding the proposed upgrades, I noted that the peak effluent discharge from the proposed development, as set out in the Civil Engineering Report (which equates to 265.2 m<sup>3</sup>/day) would equate to 0.03% of the licensed discharge at Ringsend WWTP (peak hydraulic capacity of 959,040 m<sup>3</sup>/day)<sup>6</sup>. The average flow is lower which would equate to 0.004% of the licensed discharge at Ringsend WWTP. I am of the view that these volumes would be insignificant given the overall scale of the Ringsend facility and would not alter the effluent released from the WWTP to such an extent as to have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). I do not consider that foul loading associated with this project would result in significant effects on the Dublin Bay and its associated SACs and SPAs. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining

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<sup>5</sup> <https://www.water.ie/projects/local-projects/ringsend/>

<sup>6</sup> [D0034-01\\_2020\\_AER.pdf \(water.ie\)](#)

the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay.

- 12.3.13. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA and governing development plans are subject to regional policy objectives and SEA as well as their own local objectives in relation to the protection of European sites and water quality in Dublin Bay.

#### Cumulative impacts with other proposed/existing developments

- 12.3.14. I note that 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 WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dublin City Development Plan 2016-2022. This has 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 areas. I note also the development is for a relatively small development of 358 student bedspaces, 4 no. staff apartments and associated site works. The site is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, as noted above, upgrade works have commenced on the Ringsend Wastewater Treatment works permitted under ABP PL.29N.YA0010 and this facility is subject to EPA licencing and associated Appropriate Assessment Screening.

- 12.3.15. Having regard to 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 likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

#### AA Screening Conclusion



12.3.16. Notwithstanding that a Natura Impact Statement has been submitted, it is reasonable to conclude that on the basis of the information on the file, which I considered 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 and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), and North Bull Island SPA (Site Code 004006) or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

### **13.0 Conclusion and Recommendation**

- 13.1.1. The proposed development is acceptable in principle at this site with regard to the relevant zoning objectives of the Dublin City Development Plan 2016-2022. The provision of a development of the nature and scale proposed development at this location is desirable having regard to its location within the Dublin Metropolitan Area, its proximity to the nearest Third Level Institutions, its proximity to existing public transport services and having regard to the existing pedestrian and cycle infrastructure facilities. In addition, the site is located in an area with a wide range of social infrastructure facilities. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable, subject to conditions. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.
- 13.1.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Dublin City Council**

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 20<sup>th</sup> of January by Trinity College Dublin, care of Declan Brassil and Company, Lincoln House, Phoenix Street, Smithfield, Dublin 7, D07 Y75p, Ireland.

#### **Proposed Development:**

The development will consist of the following:

Demolition of Cunningham House, the Sports Hall (including removal of part basement of 104sqm), the eastern section of the existing rear boundary wall and associated single storey ancillary sheds within the curtilage of Greenane House (a Protected Structure) (c.2,864sqm total GFA to be demolished).

358 no. purpose-built student bed spaces comprising of 11 no. 5-bed units; 4 no. 6-bed unit; 1 no. 7-bed unit and 34 no. 8 bed units in two interconnected blocks [Blocks A and B], predominantly 4 storey in height with Block A rising to 6 storeys and 8 storeys to the north-west.

4 no. staff apartments (3 no. two-bed apartments and 1 no. three-bed apartments) [located in Blocks A and C].

2 no. classroom providing a total of 68sqm gross floor area [located in Block A]. It is intended that this space will be available for use by the Botany Department and will complement the existing teaching and research activities at Trinity Hall.

A replacement multi-use Sports Hall, together with the adjoining Forum amenity space, resulting in a total amenity area 1,033sqm, in a single storey block between, with plant and changing facilities provided at an extended basement level [Forum Block].

Works to Oldham House (a Protected Structure) to include works necessary for the demolition and replacement of late 20th century Sports Hall (directly abutting Oldham House); replacement of late 20th century existing doors and window at

ground floor level (all on the east elevation only) to facilitate connections to the new Forum amenity space; reinstatement of 2 No. original, historic first floor rear window openings (east elevation only) to match existing adjacent, sash windows and 1 no. new door to provide access to proposed roof terrace; removal of existing sand/cement and gypsum plaster finish to east façade and replacement with lime render; and renovation of porch structure, stairs and first floor door on southern elevation.

Provision of a screen wall to the south of Greenane House (a Protected Structure) to screen proposed refuse area.

Reinstatement of gardenesque setting and amenity to the front curtilage of Oldham House and Greenane House (Protected Structures).

Replanting of three-times the number of trees to be removed, across the wider Trinity Hall campus, due to condition or development proposals, with native and botanically interesting species.

A range of student amenity and common spaces are provided and comprise a mix of outdoor spaces within the courtyard and internal spaces within Block A, Block C and the Forum Block together with a restricted access outdoor space at podium level above the Forum Block.

188 no. cycle parking spaces located within the application site.

Minor repositioning of the existing access gate onto Temple Road, moving it approximately 4.2m westward to facilitate and maintenance emergency access only.

A single storey Security Hut (10qm GFA) at the main vehicular entrance to Trinity Hall at Dartry Road.

All associated and ancillary landscaping works; site lighting; refuse storage; boundary treatments; plant; solar photovoltaic panels; water, wastewater and surface water works; upgrade works to existing electrical substation and all other site and development works.

## **Decision**

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

## **Matters Considered**

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

## **Reasons and Considerations**

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

- (a) the location of the site in an established urban area, with the zoning objectives for the site allowing for residential development;
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) Housing for All - a New Housing Plan for Ireland 2021;
- (e) the National Planning Framework which identifies the importance of compact growth;
- (f) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (g) The provisions for the National Student Accommodation Strategy issued by the Department of Education in July 2017;
- (h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (k) The Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;

- (l) Architectural Heritage Protection – Guidelines for Planning Authorities (2011);
- (m) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (n) The pattern of existing and permitted development in the area;
- (o) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan or a Local Area Plan;
- (o) The submissions and observations received;
- (q) The Chief Executive Report from the Planning Authority; and
- (r) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

### **Appropriate Assessment**

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

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment screening of the proposed development and considered the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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 existing use on the site and pattern of development in surrounding area;

(c) The availability of mains water and wastewater services to serve the proposed development,

(d) 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)

(e) 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),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) 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 Environmental Report, the Noise & Vibration Impact Assessment, the Arboricultural Assessment, the Basement Impact Assessment, the Ecological Impact Assessment, the Construction & Demolition Waste Management Plan, the Construction & Environmental Management Plan and the Civil Engineering Infrastructure Report including Flood Risk Assessment,

the Board did not consider that the proposed development would 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.

### **Conclusions on Proper Planning and Sustainable Development:**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of pedestrian safety and would provide an acceptable form of residential amenity for future occupants. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the provisions of the Dublin City Development Plan 2016-2022, with regard to building height.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the provisions of Section 16.7. 2 'Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development' of the Dublin City Development Plan 2016-2022' would be justified for the following reasons and considerations:

- The current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature, in that it is part of a cumulative response to a strategic issue of national importance (i.e. the provision of housing and compact urban growth). National policy as expressed within 'Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness', 'Housing for All - a New Housing Plan for Ireland 2021' and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development. The proposal represents the regeneration of an important site and makes a contribution to the housing stock, of some 358 no. student bedspaces, and therefore seeks to address a fundamental objective of the Housing Action Plan, and as such addresses a matter of national importance, that of housing delivery;

- Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth and seeks to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements;
- The Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs;
- The Urban Development and Building Height Guidelines (2018), state that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas through enhancing the scale of development. It is further set out that building heights must be generally increased in appropriate urban locations, subject to the specific criteria as set out in Section 3.2 of the Guidelines, which the Board considers have been satisfactorily addressed in this instance.

## 15.0 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 and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

**Reason:** In the interests of proper planning and sustainable development.



3. The proposed development hereby permitted shall only be occupied as student accommodation, in accordance with the definition of student accommodation provided under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), and shall not be used for any other purpose without a prior grant of planning permission for change of use.

**Reason:** In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

4. a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the application.

(b) Student house units shall not be amalgamated or combined.

**Reason:** In the interest of the amenities of occupiers of the units and surrounding properties.

5. All mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, the Arboricultural Assessment, the Construction and Environmental Management Plan (CEMP), the Site Specific Flood Risk Assessment, the Noise & Vibration Impact Assessment, the Basement Impact Assessment and subsequent reports submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

6. The following requirements of the Conservation Officer shall be undertaken under the supervision and specification of an expert in architectural conservation and as such shall be confirmed in writing by that expert on behalf of the applicant and submitted to the planning authority prior to the commencement of development:

a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works relating to the Protected Structures and to ensure adequate protection of the retained and

historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades, structure and/or fabric.

b) All works to the protected structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

c) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.

d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.

e) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structures and their setting.

f) The fabric from the historic boundary wall to the rear of Greenane shall be incorporated into the new landscaping works and/or used in repair works to the historic boundary wall onto Temple Road, and that the applicant submits a drawing indicating where the fabric will be used.

**Reason:** To safeguard the special architectural interest of the protected structures.

7. The following requirements of the Conservation Officer shall be submitted to the Planning Authority prior to the commencement of development:

a. Detailed drawings at a larger scale (1:20, 1:10) to illustrate the junction between the glass rooflight and the rear wall/window sill of Oldham Hall House, and the proposed rainwater disposal details from this glazed rooflight

b. Revised elevation and plan drawings of improved locations for 3no. proposed new doors at ground floor level of Oldham Hall House (rear elevation)

c. 1:20. 1:10 details of the proposed stepped terraced rain gardens on the roof of the new Forum Building and Block C to illustrate roof finishes, capping details, stone courses etc.

d. Detailed survey drawing and photographic survey of the boundary wall onto Temple Road, to ensure that all consolidation and conservation repairs are identified and executed as part of the proposed works. 1:20 drawing and 1:10 details shall be submitted of the proposed altered gate position, including making good and new gates.

e. Further details shall be submitted of the boardmarked concrete and stone elevations to fully describe the articulation and junctions between the materials, and stone joints which will contribute to the variety of the textures and patterns arising.

f. A condition survey is executed of the Protected Structures and that critical conservation works are carried out as part of the development.

**Reason:** To safeguard the special architectural interest of the protected structures.

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

a. Prior to commencement of development, and on appointment of a Main Contractor, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for written agreement. The CEMP shall have regard to the construction principles and measures outlined in the Construction Environmental Management Plan (Barrett Mahony Consulting Engineers, November 2021). The CEMP shall provide details of intended demolition and construction practice for the development, construction phasing and programme including a detailed construction Traffic Management Plan (TMP), hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

- b. The re-positioned south eastern vehicular entrance on Temple Road shall be limited to emergency vehicles unless otherwise agreed in writing with the planning authority.
- c. Prior to the commencement of the development, all works to the public road and footpath to facilitate vehicular access to the development shall be agreed in writing with DCC Environment and Transportation Department, including alterations to footpath and kerb dishing, line markings and relocation or removal of the lamp standard. The existing street tree located at the entrance shall be retained and protected. Works and materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works shall be at the applicant/developer's expense and note that fees are applicable to the removal of Pay and Display permit parking bays.
- d. Prior to the commencement of the development, revised cycle parking design for the 183 no. resident spaces with improved security measures, such as the inclusion of secure compounds with key/fob access shall be submitted for the written agreement of the planning authority. The details thereby approved shall be implemented in full accordance with approved plans prior to the occupation of any part of the development hereby approved.
- e. The developer/applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that staff and residents comply with this strategy.
- f. All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.
- g. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

- 9. Proposals for the development name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Thereafter, all signs, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

**Reason:** In the interest of visual amenity.

11. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

13. Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Irish Water for such works and services.

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

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

**Reason:** In the interest of public health.

15. 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.

16. 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.

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

17. 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.

18. The construction of the development shall be managed in accordance with a Final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide inter alia: details of proposals as relates to soil importation and exportation to and from the site; details and location of proposed construction compounds, details of intended construction practice for the development, including noise and vibration

management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

19. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

20. 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.

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

22. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

**Reason:** To comply with the Councils taking in charge standards.

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

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

The assessment shall address the following issues:

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

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

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

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

24. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

25. 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 for Dublin City Council 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.

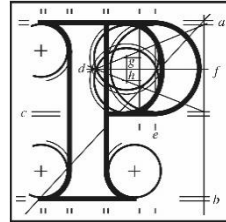
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Rónán O'Connor  
Senior Planning Inspector

16<sup>th</sup> June 2022

## Appendix A: EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

#### A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312539-21
Development Summary		Demolition of existing building, construction of 358 no. student bedspace accommodation, 4 no. staff apartments and associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report and a NIS have been submitted with the application

<b>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?</b>	<b>No</b>	
<b>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</b>	<b>Yes</b>	Please see Sections 11.1.5, 11.1.6 and 11.1.7 of Inspector's report for details of same.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surroundings or environment?</b></p>	<p><b>No</b></p>	<p>The 358 no. student bedspaces, and the 4 no. staff accommodation units, and the character of the proposed development would not be unusual in the context of this location, given the existing student accommodation uses on the site. The scale of the proposal at a maximum height of 8 stories is not significantly higher than that existing on the site, which has buildings of up to 7 storeys (Block 1). The height of the majority of the development is at scale lower than 8 storeys, with blocks of 6, 5, 3 and single storey in height, which is not a significant departure from the height of other existing blocks on the site (Blocks 2 and 3 and Cunningham House) which range from 3, 5, 6 storeys</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposed development comprises of the demolition of Cunningham House, the Sports Hall including removal of existing part basement of 104sqm, a shed and part of existing random rubble wall to the rear of Greenane House. Total demolition works relate to approximately 2,864 sqm of existing floor area. All demolition works will be carried out in accordance with best practice in accordance with the submitted Construction and Demolition Waste Management Plan and the Construction and Environmental Management Plan. No likely significant impacts are likely to</p>	<p>No</p>

		occur as a result of the proposed demolition works.	
<b>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?</b>	<b>Yes</b>	Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.	No
<b>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?</b>	<b>Yes</b>	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains water and drainage services. Irish Water have not cited any capacity constraints in relation to the foul water connection.</p>	<p>No</p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts. Lighting is designed to avoid overspill to adjoining lands</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></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 lies within Flood Zone C, with a subsequent low risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	The site is a brownfield site with existing student accommodation and educational facilities on site. The zoning of the site allows for a residential led development and the development of this site has been foreseen by the Dublin City Development Plan 2016-2022, which has undergone an SEA and has been subject to a Strategic Flood Risk Assessment (SFRA). Other developments in the wider area are not considered to give rise to significant cumulative effects.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b>	<b>Yes</b>	There are no conservation sites located on the site. I refer to Section 10.7 of this report in relation to potential impacts on	<b>No</b>



<p>1. European site (SAC/ SPA/ pSAC/ pSPA)</p> <p>2. NHA/ pNHA</p> <p>3. Designated Nature Reserve</p> <p>4. Designated refuge for flora or fauna</p> <p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>NHA's or pNHA, and I have ruled out potential impacts on same. I have considered the impacts on European Sites in Section 12 of this report. In this section I have concluded that, notwithstanding that an NIS has been submitted, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' Conservation Objectives. While I do not consider that the arboretum on and adjacent to the site is a designated refuge for flora or fauna, I have considered impacts on same in Section 10.7 of this report, and have ruled out any significant impacts on same for the reasons set out therein. The site is not a place, site or feature of ecological interest which is referred to in the Dublin City Development Plan.</p>	
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>

<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>Yes</b></p>	<p>The site is not designated for the protection of the landscape or of natural heritage. In relation to cultural heritage, I note the site of Rathmines Castle (RMP No. DU022-087) is located adjacent to the site, to the north-east of the site. With mitigation measures in place, including pre-development testing and monitoring of groundworks, I am satisfied there will be no significant impact on archaeology (as set out in Section 10.9 of this report). The site is not located within an Architectural Conservation Area. There are three Protected Structures on the Trinity Hall Campus: Purser House, Oldham House and Greenane. 'Esterel' House is also a Protected Structure which lies outside the Campus to the south-west corner of the application site. The Applicant's EIA Screening report does not highlight any significant impacts on same. Notwithstanding the contents of the Architectural Heritage Impact Assessment, I am satisfied that any significant impacts on the Protected Structures referred to above can be ruled out</p> <p>In conclusion I am of the view that there will be no significant negative impacts on</p>	<p><b>No</b></p>
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		any features of landscape, historic, archaeological, or cultural importance.	
<b>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?</b>	<b>No</b>		No
<b>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?</b>	<b>No</b>	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site lies within Flood Zone C and the risk of flooding is concluded to be low.	No
<b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>	<b>No</b>	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.	No

<b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b>	<b>No</b>	The site is served by a local urban road network.	No
<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	<b>No</b>	There are no sensitive land uses that could be affected.	No

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	<p>Appendix B of the Applicant's Environmental Report summarises the recent planning permissions granted in the immediate vicinity of the subject site and it is set out within the Table A.3.3 of the EIA Screening Report that there is only limited planned or permitted development in the immediate vicinity of the site and that identified is of a nature and scale that will not give rise to significant cumulative impacts.</p> <p>In relation to same, I concur with the conclusions in the EIA Screening Report in relation to potential cumulative impacts</p>	<b>No</b>

		and I am of the view that no developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

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

#### 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(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (c) The existing use on the site and pattern of development in 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),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) 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 Environmental Report, the Noise & Vibration Impact Assessment, the Arboricultural Assessment, the Basement Impact Assessment, the Ecological Impact Assessment , the Construction & Demolition Waste Management Plan, the Construction & Environmental Management Plan and the Civil Engineering Infrastructure Report including Flood Risk Assessment,

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:** \_\_\_\_\_ **Ronan O'Connor**

**Date: 16th June 2022**