



An
Bord
Pleanála

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

Inspector's Report ABP-312568-22

Strategic Housing Development

Demolition of existing ESB substation and boundary treatments, construction of 321 no. Build to Rent apartments, c. 2,438 sqm of office space, a creche and associated site works.

Location

Former Factory Site, Finglas Business Centre, Jamestown Road, Dublin 11. (www.thesteelworks.ie)

Planning Authority

Dublin City Council

Applicant

Jamestown Village Limited

Prescribed Bodies

Dublin Airport Authority
Transport Infrastructure Ireland
Irish Water

Observer(s)

Carol Ryan
Jessie Byrne
Joann and Tom Kavanagh
John Conway and The Louth
Environmental Group
Inland Fisheries Ireland
Joyce Walsh
Julianne Morris and Declan Doonan
Liam and Sarah O'Donovan
Manus O'Rourke
Mary and Harry Cohle
Mary Callaghan
Noeleen Healy
Ray Waldron
Roisin Shorthall
Ronan Heeney
Sinead Maher and Margaret Boland
Vikki Hayden

Date of Site Inspection

5th July 2022

Inspector

Elaine Power

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	4
4.0 Planning History.....	7
5.0 Section 5 Pre Application Consultation	8
6.0 Relevant Planning Policy	12
7.0 Third Party Submissions.....	25
8.0 Planning Authority Submission	31
9.0 Prescribed Bodies.....	40
10.0 Assessment.....	41
11.0 Environmental Impact Assessment	88
12.0 Appropriate Assessment	92
13.0 Recommendation	105
14.0 Recommended Order.....	106
15.0 Reasons and Considerations	Error! Bookmark not defined.

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 is located on Jamestown Road, c. 850m north of Finglas village and c. 5.5 km north of the Dublin City centre. The M50 / N2 junction is located c. 1km north west of the subject site. The surrounding area to the north, south and west is characterised by warehousing and light industrial units. The area to the east (Jamestown Road) is characterised by low density 1950's and 1970's suburban housing.
- 2.1.2. The site is rectangular in shape and generally flat. It has a stated area of 1.76ha. It is currently vacant and largely comprises hardstanding, including an ESB substation and internal access road, as well as rubble, gravel and shrubbery. The sites eastern boundary with Jamestown Rod comprises a high level stone wall, the northern boundary with the adjacent manufacturing warehouse comprises a low level stone wall with a railing above. The sites southern and eastern boundaries with the Finglas Business Centre comprises palisade fencing.
- 2.1.3. There is an existing vehicular access gate to the site from Jamestown Road, which is currently closed and block up with planters. There are additional vehicular accesses to the site from the sites southern and western boundaries within the Finglas Business Centre. These access is blocked with palisade fencing.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of existing ESB substation and boundary treatments and the construction of a mixed use development across 5 no. blocks providing 321 no. Build to Rent apartments (110 no. 1-bed and 211 no. 2-beds) and c. 4,497 sqm of commercial uses.

Block A is 6 storeys in height and accommodates 79 no. apartments (28 no. 1-bed and 51 no. 2-bed units), a c. 195 sqm café, bike and bin storage, ESB substation, meter room and switch room.

Block B is 6 storeys in height and accommodates 47 no. apartments (23 no. 1-bed and 24 no. 2-beds), bike storage and meter room.

Block C is 6 storeys in height and accommodates 90 no. apartments (34 no. 1-bed and 56 no. 2-bed units), a c. 290 sqm crèche, bin and bike storage, ESB substation, meter rooms and switch room.

Block D is 6 storeys in height and accommodates 105 no. apartments (25 no. 1-bed and 80 no. 2-bed units), a c. 450 sqm public gym, ESB substation, switch room, meter room, bin and bike storage, c. 841.6 sqm residential amenity space at ground floor including gym, study area, library / quiet room, lounge, games area, kids play room, shared kitchen and cinema room with at first to fifth floor level and c. 469 sqm external roof terrace.

Block E is 5 storeys in height and accommodates c. 2,438 sqm of flexible office space at c. 125 sqm of retail, ESB substation, switch room, WCs, reception and bin store with c. 686.8 sqm basement below providing 56 no. bicycle parking spaces, plant, storage and shower facilities associated with the office building.

- 3.2. The scheme includes c. 2,045 sqm of public open space, c. 1,891 sqm of communal open space in a landscaped garden courtyard and an additional c. 168 sqm of communal open space at residents' allotments at the southern elevation of Block A. A total of c. 1,049.2 sqm of residential support facilities in the form of laundry, management suite, reception, WCs, bin and bike storage are also provided.
- 3.3. Access is proposed from Jamestown Road at the northeast corner of the site via the existing access. The scheme includes 17 no. surface car parking spaces, 175 no. basement level car parking spaces and 12 no. motorbike parking spaces. A total of 907 no. bicycle parking spaces are provided with 171 no. at ground floor and 736 no. at basement level.

3.4. The works include all circulation and ancillary uses, associated infrastructure and enabling works associated with the development, green/blue roofs, telecommunications equipment (radio antennas and microwave link dishes at Block D roof level) landscaping, pedestrian access, set down area at southern perimeter, boundary treatments and ESB substation at northern perimeter.

3.5. Key Development Statistics are outlined below:

	Proposed Development
Site Area	c. 1.76ha
No. of Units	321 no. Build to Rent Units
Unit mix	110 no. 1-bed and 211 no. 2-beds
Density	208 units per ha
Plot Ratio	1.97
Site Coverage	36%
Height	5 - 6 storeys
Dual Aspect	77%
Other Uses	Commercial: 3,498 sqm (net) <ul style="list-style-type: none"> • Gym (450 sqm) • Creche (290 sqm) • Flexible Office (2,438 sqm) • Retail (125 sqm) • Café (195 sqm)
Public Open Space	2,045sqm
Car Parking	192 no. spaces
Bicycle Parking	907 no. spaces

3.6. The application included the following:

- Architectural Design Statement
- Statement of Consistency and Planning Report
- Material Contravention Statement
- Response to An Bord Pleanála Opinion
- Townscape and Visual Impact Assessment
- Landscape Design and Access Statement

- Landscape Management and Maintenance Plan
- Drainage Infrastructure Report
- Flood Risk Assessment
- Ecological Statement
- Appropriate Assessment Screening Report
- Environmental Impact Assessment Screening Report
- Article 299B Statement
- Air Quality Impact Assessment
- Inward Noise Impact Assessment
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Telecommunications Report
- Wind Microclimate Assessment
- Daylight and Sunlight Assessment
- External Lighting Study
- Traffic and Transport Assessment
- School Demand and Concentration Report and Social Audit
- Site Specific Outline Construction and Environmental Management Plan
- Site Specific Construction and Demolition Waste and By-Product Management Plan
- Operational Waste Management Plan
- Waste Classification Report
- Sustainability Energy Statement
- Verified Views and CGI's

4.0 Planning History

Subject Site

Reg. Ref. VS-0542, ABP-304444-19: Vacant Site Appeal: In 2019 the Board upheld the decision of the planning authority to place the subject site on the Vacant Sites Register.

Surrounding Area

ABP-310350-21 Strategic Housing Application: Permission was granted in 2021 for 509 no. apartments in 4 no. blocks ranging in height from 2 – 10 storeys. The scheme includes non-residential uses at ground floor level comprising 2 no. retail / commercial units (350sqm), 4 no. office units (224sqm), a health/medical centre (526sqm) and a creche (542sqm) at a site located c. 850m west of the subject site.

5.0 Section 5 Pre Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 12th May 2021 in respect of a development of 400 no. Build to Rent units and a creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Zoning Objective and Land Use Strategy
- Development Strategy for the site to include height, density, elevational treatment, open space / public realm
- Residential Amenity
- Transport Matters
- Drainage Matters

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

5.2. In the Notice of Pre-Application Consultation Opinion dated 21st May 2021 (ABP-309460-21) An Bord Pleanála stated that it was of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála with regard to the following: -

Zoning and Principle of Development

1. (i) Further consideration and/or justification of the documents as they relate to the proposal having specific regard to the 'Objective Z6' zoning objective of the site, as set out in the Dublin City Development Plan 2016, where the stated objective is *'to provide for the creation and protection of enterprise and facilitate*

opportunities for employment creation'. Justification of the principle of a proposal in which the quantum and proportion of residential development far exceeds the proposed commercial element, having regard section 14.8.6 of the Dublin City Development Plan 2016 which states that 'residential, recreation, and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, nor with the vitality and viability of nearby district centres'.

(ii) In addition, further consideration and/or justification of the documents as they relate to the proposal, which clearly outline how, in the prospective applicant's opinion, the proposal is not premature having regard to the proposed Variation No. 33 of the operative City Development Plan 2016 which relates to the rezoning and designation of the Jamestown lands as an SDRA with guiding principles to be established for land-use and activity.

Height and Design Strategy

2. Further consideration of the documents as they relate to the height strategy for the site and the layout/design of the proposed development. In this regard, the prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. Ensure all access roads are proposed to site boundary as outlined in red, to avoid an issues of ransom strips.

The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments and local planning policy, the site's context and locational attributes.

Resident Support Facilities and Amenities

3. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the provision of resident support facilities and amenities and their location within the overall development, having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 including the specific planning policy requirements in respect of Build to Rent developments.

- 5.3. The following specific information was also requested: -
1. A report that specifically addresses the proposed materials and finishes.
 2. A detailed landscaping plan
 3. Daylight/Sunlight Analysis
 4. A detailed schedule of accommodation
 5. A report that addresses issues of residential amenity
 6. Additional water and wastewater details which addresses the matters raised in the report of Irish Water
 7. School Demand and Concentration Report
 8. Taking in Charge details
 9. Waste Management details
 10. Site Specific Construction Management Plan
 11. Site Specific Construction Management Plan 11. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document, unless it is proposed to submit an EIAR at application stage
- 5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:
- Irish Water
 - National Transport Authority (NTA)
 - Transport Infrastructure Ireland (TII)
 - Health Service Executive

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

- 5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016 and a summary is provided below.

Zoning and Principle of Development

The proposed development is compliant with the zoning objective for the site. The wider Jamestown Road / St. Margaret's Road area (c. 43.11 ha) was rezoned from Z6 to Z14 under the provisions of Variation No. 33 of the Dublin City Development Plan

2016 – 2022 effective from 14th June 2021. The subject site now forms part of the Finglas Strategic Development & Regeneration Area (SDRA) no. 19.

The proposal includes an appropriate balance of residential and commercial uses, with flexible office space incorporated due to the dearth of traditional office demand in the northern suburbs. The proposed development has the potential to create up to 400 jobs in addition to those created during the construction phase, far outstripping the previous employment of c. 50 on site from the 1970s onwards.

The proposed development is not premature. The subject site is listed on the Vacant Sites Register. It is ready for development and can make a valuable initial contribution to the regeneration of the wider SDRA lands as a development sequential to existing residential neighbourhoods established to the east of Jamestown Road. This is in accordance with the details of the SDRA under Section 15.1.1.22 of the Dublin CDP as inserted under Variation No. 33 which states that *'the re-development of the subject lands will occur incrementally and over an extended period. As such all development proposals shall occur sequentially and contiguous to existing residential development'*.

The site can be developed independent of the preparation of any masterplan for the area which is reasonably expected to be prepared and agreed over a period of years, with a myriad of landowners and long term leases existing on the wider lands to the west. The proposed development seeks to resolve the site's listing on the vacant sites register consistent with the objectives of the development plan in the short term and provide impetus to the wider regeneration of the SDRA lands

The proposal makes optimum use of an infill, brownfield site which is located immediately adjacent to high frequency bus services and in close proximity to the proposed Bus Connects and Luas extension routes to Finglas and Charlestown respectively. This is in accordance with the principles and objectives of the National Planning Framework and Metropolitan Area Strategic Plan for Dublin, promoting compact growth at accessible locations.

Height and Design Strategy

The proposed development has been subject to a significant reduction in building height in comparison to the scheme submitted at pre-application consultation stage.

The scheme provides an optimum architectural solution and is of sufficient quality to ensure it makes a positive contribution to the character of the area over the long term. The building heights have been proposed to integrate and graduate appropriately from the low rise 1 and 2 storey residential neighbourhood extending to the east of Jamestown Road. A generous separation distance of a minimum of c. 34 metres from Block E to residential dwellings to the east, increasing to c. 35 metres at Block D ensures a suitable setback from adjacent properties and implements a sensitive step up in height in accordance with the guiding development principles for the SDRA. The proposed development is considered to respond appropriately to national policies and objectives relative to promoting compact growth and implementing housing at brownfield, infill sites in urban locations which are accessible to public transport, local facilities and services and employment opportunities

Resident Support Facilities and Amenities

The proposed development has significantly increased the provision and quality of Resident Support Facilities and Resident Services and Amenities specified at SPPR7(b) of the Apartment Guidelines 2020 in comparison to that provided at pre-application stage. Resident Services and Amenities are provided at ground floor level at Block D, which is centrally located in respect of the overall development and accessible to all residents. Amenity provision has been carefully considered, with a combination of quiet study areas, lounge, games area, kids' playroom, cinema room and bookable kitchen provided at ground floor level at Block D. A residents' gym also adjoins the commercial gym at Block D. The amenity areas benefit from aspects to the east across the public street, contributing active frontage at this location, as well as enjoying views across the garden courtyard to the west, promoting use and activity by residents.

6.0 Relevant Planning Policy

6.1. *Dublin City Council Development Plan 2016 - 2022*

In accordance with Variation 33 adopted in June 2021 the subject site is zoned Z14: - Strategic Development and Regeneration Areas (SDRA's) with the associated

landuse objective 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'.

The subject site is located in Strategic Development and Regeneration Area 19 (SDRA 19 Jamestown Road, St. Margaret's Road and McKee Avenue, Finglas). A number of guiding principles have been established which will inform the future development of the SDRA lands. These principles are 1. Urban Structure. 2. Land Use & Activity. 3. Height. 4. Design. 5. Green Infrastructure. 6. Climate Change. The relevant information is outlined below.

1. Urban Structure

- The proposed urban structure provides a strategic blueprint for the future development of the SDRA, identifying key connections, public open spaces, and building frontages that will inform an urban design-led approach to the regeneration of this strategic area.
- The movement framework provides a structure for urban blocks and open spaces. The proposed urban block structure provides a coherent framework for future developments that can respond to a range of uses and activities. In accordance with best practice principles, urban blocks shall generally be between 60m-80m in size but shall not be more than 100m in width/length to ensure that an optimal level of permeability is achieved at an appropriate scale.
- The SDRA Framework Plan identifies indicative key building frontages, within the proposed urban block structure. In general, built form shall limit the use of set-backs on the key internal links, are required to provide a tree planted verge and quality footpath, and, where appropriate, privacy strips, to form an edge with the streetscape, provide animation and passive surveillance. Exceptions shall apply, where required to facilitate the Luas and also for the existing boundary roads at Jamestown and McKee Avenue / St Margaret's Road, where the set-back shall be provided to (i) protect the amenities of the single and two storey houses opposite; (ii) to provide for an enhanced urban realm with tree planting along the full extent of the boundary and (iii) to accommodate an off road cycle track to link to the village and other amenities and services. Building

frontages shall respond to the movement framework and street hierarchy and address all key streets, which will enhance legibility and ensure that a strong sense of enclosure with tree lined streets is achieved throughout the SDRA.

2. Land Use & Activity

- The area will primarily support residential and employment-generating uses, complemented by community, education, and public open space, and shall be developed at an approximate ratio (gross) of:
 - 50% residential;
 - 30% employment/commercial;
 - 10% public open space and;
 - 10% community/education.
- Assuming an average density of 100 units per hectare this land bank has the potential to deliver an indicative c. 2,220 residential units.
- A range of housing typologies will be required throughout the SDRA.
- The SDRA Framework Plan has identified three character areas, based on the above analysis. The Village, Luas and Jamestown.

Jamestown: - The lands situated to the north-east, along Jamestown Road, shall be developed at an approximate ratio of 70% employment/commercial (gross) and 30% residential (gross), to support the continuation of a sustainable working community in the area. Net densities for residential plots will have a range of 80-100 units per hectare.

Note: deviations in use mix and in relation to density ranges of up to 10% within individual sites and quarters to meet design requirements will be accepted if the change supports overall compliance with the Guiding Principles, and where a joint agreement is proposed between landowners to accommodate certain uses within a particular area, such will be considered where the overall Principles are retained and the use and typology mix is delivered.

3. Height

- The SDRA Framework Plan identifies opportunities for additional building height on corners/façades of certain proposed urban blocks, as a tool to enhance urban design and legibility. A masterplan shall be required for the subject lands which will establish and detail an overall height strategy.
- Notwithstanding this, in general, building heights in the range of 4-6 storeys will be encouraged in order to provide a coherent street of structure, with an appropriate sense of enclosure.
- Height shall respond to the existing context and respect existing residential properties along McKee Avenue, Jamestown Road and St Margaret's Court.

4. Design

- High-quality public realm will be required and shall be applied to the network of streets and public spaces.
- The existing established residential amenity of properties along Jamestown Road, McKee Avenue, and St Margaret's Road shall be respected. As such the masterplan will be required to demonstrate integration with the surrounding streetscapes. Opportunities exist to upgrade the streetscape along Jamestown Road, McKee Avenue, and St Margaret's Road, by providing a high-quality public realm and landscaping.
- High-quality architectural design and quality will be encouraged throughout the SDRA. Architectural design and form shall respond to the identified character areas to enhance legibility and provide visual interest.

5. Green Infrastructure

- The green infrastructure and open space network forms a key structuring element to the SDRA Framework.

6. Climate Change

- To promote sustainable development and encourage the transition to a low carbon future, a range of measures are promoted, including, sustainable urban drainage systems (SuDS), cycling and walking, and the use of only sustainable energy and heating, in accordance with DCCs Climate Change Action Plan.

Variation 33 also sets out a requirement for masterplan to ensure that the development of the subject lands occurs in a sustainable and coherent manner. A masterplan shall be prepared for the entire SDRA by all major landowners, which complies with the guiding principles above, to be agreed with the Planning Authority, before the lodgement of any planning application.

The amended Table E (page 25) indicates that SDRA 19 has an estimated capacity of 2,200 residential units.

Chapter 4 - Shape and Structure of the City emphasises the importance of high quality developments and reaffirms Dublin as a predominantly low rise city. Relevant policies include **SC13**: sustainable densities; **SC14**: variety of housing types; and **SC16, SC17** and **SC18** relating to height.

Chapter 5 – Quality Housing supports the delivery of quality homes in a compact city. Relevant policies include **QH5**: active land management; **QH6**: variety of housing; **QH7**: sustainable urban densities; **QH8**: development of under-utilised sites; **QH13**: adaptable and flexible homes; **QH17**: private-rented accommodation; **QH18**: high-quality apartments.

Chapter 16 sets out indicative standards including density, plot ratio and site coverage standards. Section 16.10 deals with Standards for Residential Accommodation. 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).

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

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

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

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

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

6.3. ***National Planning Framework***

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

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.4. ***Section 28 Ministerial Guidelines***

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

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

6.5. ***Applicants Statement of Consistency***

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

6.6. ***Material Contravention Statement***

The applicant submitted a Material Contravention Statement. The statement provides a justification for material contraventions of the Dublin City Development Plan 2016 - 2022 in relation to Land Use and Activity Mix, Masterplan and Green Infrastructure Strategy of SDRA 19, Building Height, Density, Car Parking / EV Charging, Mix of Residential Units and Apartment Floor Area. The statement is summarised below: -

Land Use and Activity Mix: The SDRA Guiding Principles state that lands within the Jamestown Character Area shall be developed at an approximate ratio of 70% employment/commercial and 30% residential. The proposed development includes a ratio of 13% employment/commercial uses and 87% residential uses and may be considered a material contravention of the development plan on this basis. Although, the proposed use ratio is not consistent with the use ratios for the overall SDRA or for the Jamestown character area, even allowing for the 10% flexibility, this is considered justifiable having regard to the predominately commercial use of the wider SDRA lands and the Jamestown character area as depicted in the SDRA Framework Plan.

The subject site represents 13% of the Jamestown character area, the remainder of which is occupied by commercial use. A higher proportion of residential development is considered appropriate here as the subject site is strategically located on the edge of the SDRA and provides a logical and sequential transition between the established residential neighbourhood to the east and the Z14 lands to the west. In terms of the overall Jamestown lands character area, the residential element of the proposed development represents just 11.57%, leaving almost two thirds of the SDRA residential allocation for Jamestown lands for future proposals. Approximately 90% of the Jamestown character area will remain in commercial use following the implementation of the proposed development. When considered in the context of the wider SDRA, of which the subject site represents 3.9%, approximately 96.5% will remain in commercial use following the implementation of the proposed development.

Masterplan: The subject site is currently listed on the Vacant Sites Register. The requirement for the preparation of a masterplan for the overall lands has recently been introduced as part of Variation No. 33 in June 2021, rendering this unviable for the applicant relative to this application having regard to the complexities, collaboration and timescales required to produce such a masterplan. The applicant seeks the development of the site in the short term to contribute much needed housing to the area and to have the site removed from the vacant sites register. The proposal has been carefully sited to ensure that it will not have any adverse impacts on adjacent sites or the ability of these sites to be redeveloped in future. This means that the site

can be redeveloped independent to the overall SDRA whilst implementing and aligning with the guiding development principles as set out in Variation No. 33

Green Infrastructure Strategy: Guiding Principle 5 of the SDRA states that ‘a Green Infrastructure Strategy must be prepared and agreed with DCC prior to any permission being lodged’. A strategy in this respect has yet to be prepared and agreed with DCC and therefore the application may constitute a material contravention in this respect. The subject site is clear of any existing open or culverted watercourses and the proposed development includes appropriate SUDS measures

Building Height: Building height is predominantly 5 and 6 storeys, rising to a maximum of c. 23.7m at a lift overrun at Block D. The prevalent height is c. 21.5 m. The SDRA states that ‘in general, building heights in the range of 4-6 storeys will be encouraged in order to provide a coherent street of structure with an appropriate sense of enclosure’

The site is in an ‘Outer City’ location suitable for low rise buildings of a height not greater than 16m. Therefore, the proposed height may be considered a material contravention. However, Section 16.7.2 confirms that ‘*planning applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA*’. In this respect, the height strategy as set out in the SDRA takes precedence relative to the subject site with the proposed development compliant with the 4-6 storey building heights set out by the SDRA.

In addition, the SDRA states that ‘*height shall respond to the existing context and respect existing residential properties along McKee Avenue, Jamestown Road and St Margaret’s Court*’. In this respect, the proposed 5 storey Block E and 6 storey Block D fronting Jamestown Road may be considered a material contravention of Section 15.1.1.22 of the development plan.

Density: The SDRA notes in relation to the Jamestown character area that net densities for residential plots will have a range of 80-100 units per hectare. The proposed development proposes a density of c. 208 units per net hectare. This is considered an appropriate density for the site having regard to its proximity to existing

and proposed high frequency public transport links, employment opportunities as well as services and facilities in the local area. The proposed density aligns with plot ratio standards for Z14 lands and national policy objectives in respect of compact growth in urban areas and is, therefore, considered appropriate for the site.

Car Parking and EV Charging: The proposal includes a total of 192 no. car parking spaces, of which 163 no. are for residential use, equating to a ratio of 0.51 spaces per unit. This is considered to constitute a material contravention of Section 16.38: Car Parking Standards and Table 16.1 which sets out 'Maximum Car Parking Standards for Various Land-Uses'. The table specifies a maximum of 1.5 car spaces per dwelling in Zone 3 where the subject site is located.

The proposed quantum of car parking is considered appropriate given the BTR nature of the development, proximity to high frequency existing and proposed public transport and provision of cycle parking and club car facilities, as well as the proposed employment generating uses on the site and in the area. The Guiding Principle: Climate Change within the SDRRA states that 'all private residential parking must be provided with EV charging points'. A total of 10% of the private car parking spaces in the basement of the proposed development are provided with EV charging points with cabling provided to facilitate additional EV charging.

Mix of Residential Units: The development plan requires that each apartment development shall contain a maximum of 25-30% one bedroom units and a minimum of 15% three or more bedroom units. The proposed development consists of 108 no. (34%) 1-bed units and 213 (66%) of 2-bed units. No 3-bed units are included which may be considered a material contravention of the development plan.

Apartment Floor Areas: The development plan requires that 2-bedroom apartments are a minimum of 73 sqm. The proposed development includes a total of 10 no. 2-bedroom, 3 person apartments which extend to 63 sqm in accordance with Appendix 1 of the Apartment Guidelines 2020.

Section 37(2)(b)(i)

Having regard to national and regional policy, legislative and local context, the proposed development is considered to be of strategic importance for the purposes of section 37(2)(b)(i) of the 2000 Act.

Section 37(2)(b)(ii)

Land Use and Activity Mix

The redevelopment of the site in accordance with the land use and activity ratios set out in the SDRA may result in the proposal failing to meet plot ratio development standards for a Z14 site as set out at Section 16.5 and 16.6 of the development plan. This is due to the low demand for traditional office use as well as logistics and industrial occupiers in the Finglas area. A mix of 70-30 commercial to residential would fall short of achieving sustainable development at a vacant brownfield site and result in an underutilisation of valuable urban lands which are well placed to provide much needed housing

Masterplan and Green Infrastructure Strategy

The proposed redevelopment of the site will facilitate the removal of the site from the Vacant Sites Register in accordance with Policy SC29. The proposed development will promote the appropriate sustainable redevelopment of the vacant brownfield lands which are included on the Vacant Sites Register. This is clearly in conflict with the requirement for the masterplan which 'shall be prepared for the entire SDRA by all major landowners... before the lodgement of any planning application' and green infrastructure strategy which 'must be prepared and agreed with DCC prior to any permission being lodged' which will require a significant lead-in time. The subject site has not been operational since 2007 and has been cleared for development since 2013.

Section 37(2)(b)(iii)

Land Use and Activity Mix

The proposed land use mix is considered acceptable in the context of national policy and section 28 guidelines. The implementation of a 70% commercial / 30% residential mix at the subject site may result in an inefficient use of vacant accessible brownfield lands which are ready for regeneration and can act as a catalyst for the renewal of the wider SDRA lands and provide housing in accordance with the Core Strategy of the development plan. The proposed balance of residential and commercial uses will assist in meeting an identified housing need in the area whilst also implementing a more intense employment use at the site in comparison to its previous use. This will 'support the continuation of a sustainable working community in the area' in accordance with the SDRA objective for the Jamestown character area. Furthermore, the vast majority of the Jamestown character area will remain in employment use. In this respect, a material contravention of land use activity mix is considerable justifiable.

Building Height and Density

It is considered that the proposal meets the criteria for higher buildings as set out within the Guidelines on Building Height Guidelines. The site benefits from an accessible location which is well-placed to absorb a higher density development of an appropriate scale and design in the context of its urban surroundings and will implement a gateway scheme to the wider lands located to the west which are expected to come forward for redevelopment in the short-medium term. The proposals make optimum use of this underutilised area of land which is listed on the Vacant Sites Register and is therefore recognised as appropriate for redevelopment for residential uses in accordance with the context of the Urban Regeneration & Housing Act 2015. There is an identified need for housing in the area and the proposed residential-led scheme is consistent with the residential nature of the surrounding area. The site's Z14 zoning objective provides for residential use in combination with employment and enterprise uses as proposed and is therefore considered acceptable. The provision of residential development at this location between 5 and 6 storeys in height and at a density of 208 units per net hectare is supported by the Urban Development and Building Height Guidelines which

encourage increased density and building heights at appropriate locations such as the application site. As such, the proposed development is considered to be in accordance with the provisions of national policy guidelines.

Car Parking and EV Charging

The proposed quantum of car parking, consisting of 0.51 spaces per residential unit is considered suitable in the context of SPPR8 (iii) having regard to the site's location proximate to high frequency and high-capacity bus services on Jamestown Road.

The proposed Bus Connects Corridor 4 route terminates at Finglas Road, c. 900 metres to the southwest, with the proposed Luas Green Line extension to Charlestown located west of the site, with proposed stops at Mellows Park and Charlestown c. 850 metres from the site respectively. The Metrolink stop at Ballymun is located c. 1.9km east. Secondary cycle route NO5 is planned along Jamestown Road as part of the Greater Dublin Area Cycle Network Plan. In this respect, the site is considered to be well served by both existing and proposed public transport links.

In addition, the objective of the proposed mixed-use development seeks to promote a sustainable 'live / work' community which can make provision for employment on site, negating the requirement for commuting and reliance on the private car. The proposals include a generous provision of bicycle parking spaces at a ratio of 2.34 spaces per unit.

The proposed car parking provision is considered entirely suitable for the proposed location and consistent with relevant government policy and section 28 guidelines.

Mix of Residential Units and Apartment Floor Area

The proposed development constitutes Build to Rent accommodation. The unit mix is considered appropriate having regard to the content of SPPR 8 (i) of the Apartment Guidelines which states that 'No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise'.

The proposed development included 10 no. 2-bedroom, 3-person apartments which extend to a floor area of 63 sqm. This is in accordance with the standards set out at

Appendix 1 of the Apartment Guidelines (which take precedent over the content of the Development Plan) and is considered acceptable in this regard.

The proposal will implement residential development at a brownfield, infill site in accordance with the national policy objectives (NPO 3a, NPO 13, NPO 35) and regional policy objectives promoting compact growth and the delivery of 40% of all new housing to be implemented on urban lands.

Section 37(2)(b)(iv)

Building Height and Density

Strategic Housing Developments of similar nature and scale have been granted within the area. These include:

- ABP-310350-21 for 590 no. apartments and commercial uses in 4 no. Blocks ranging in height from 2 -10 storeys with a density of 188 units per ha at Charlestown Place, St. Margaret's Road, Charlestown.
- ABP-310722-21 for 191 no. apartments in 3 blocks ranging in height from single storey to 6-storeys with a density of 155 units per ha at Finglas Road c. 1.5km south of the subject site.
- ABP-305538-19 for 129 no. apartments in 5 blocks ranging in height from 5-9 storeys with a density of 171 units per ha at Balbutcher Lane / St. Margaret's Road c. 1.2km east of the subject site.

7.0 Third Party Submissions

16 no. third party submissions were received. The submissions are generally supportive of the redevelopment of the site. The concerns raised are summarised below: -

Design Approach

- The proposed scheme is a contravention of the zoning objective of Variation 33 of the development plan.

- The proposed development is premature pending a masterplan for the overall lands. This was a pre-condition of the lands being re-zoned.
- The proposed density is excessive and not in accordance with the re-zoning of the site.
- The mix of uses is not in accordance with Variation 33 of the development plan. The applicants justification is not acceptable.
- Excessive scale and height of the development is out of character with the surrounding area, would have an overbearing impact on existing properties and contravenes Variation 33 of the development plan.
- The provision of a 6-storey block adjacent to single storey cottages is unacceptable.
- The proposed development would negatively impact the existing visual amenities of the area.
- Overdevelopment of the site. The scale of proposed development would set a negative precedent for the overall land bank that was subject to re-zoning.
- To create more sustainable communities apartments standards need to improve.
- The proposed development does not include an appropriate unit mix. There is a requirement for more family homes / larger units.

Tenure

- The quantum of BTR units would have a negative impact on the existing community, which comprises a significant aged and vulnerable population.
- Already significant scale of existent nearby Social Housing initiatives without required infrastructures to support parks, Green spaces, playgrounds etc. the proposed development would exacerbate this situation.
- Dublin is saturated with BTR schemes. The lack of new homes to purchase puts enormous pressure on house prices.

Residential Amenity

- The current layout would result in undue overlooking of existing properties.
- The development would overshadow existing properties.

- Noise pollution / disturbance would negatively impact on existing residents
- Negative health impacts during the construction phase.
- Negative impact from light spill to surrounding residential properties.

Transportation and Car Parking

- Traffic generation and road safety concerns. The road network is already constrained. Jamestown Road is narrow and unsuited for this scale of development. It already experiences high traffic volume and plans for extension of Luas will increase traffic congestion. Additional traffic would lead to a hazard for local children.
- Concerns regarding an under provision of car parking. The surrounding area already experiences parking congestion.
- Inadequate public transport to support this scheme.
- The scheme includes the re-opening of an existing gate onto Jamestown Road which would have serious impact on traffic flows. The existing access to the Finglas Business Centre should be used.
- There is no dedicated cycling infrastructure on the surrounding road network.
- Luas and Bus Connects have not been finalised for the area and cannot be used to support the proposed scale of the development.

Infrastructure

- Existent issues with water pressure and sewerage in the area.
- Drainage infrastructure is at capacity.
- Primary schools are at capacity.
- The proposed development does not include any social infrastructure.

Ecology

- Wildlife in the surrounding area would be affected by the development

Other Issues

- Lack of consultation with existing local residents

Inland Fisheries Ireland

- The proposed development in the catchment of the Tolka River, which supports Atlantic salmon, Lamprey (Habitats Directive Annex II species) and Brown trout populations in addition to other fish species. Adult Salmon were recorded in the Glasnevin area in 2011. Thus, it is vital to note that salmonid waters constraints apply to any development in this area.
- Any dewatering of ground water during excavation of basement area must be pumped into an attenuation area before being discharged offsite.
- Precautions must be taken to ensure there is no entry of solids to the surface water system.
- It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023.

Legal Issues

- Permission cannot be granted in circumstances, where it would be justified by the Building Height Guidelines 2018 and the Apartment Guidelines 2020. These Guidelines are not authorised by Section 28(1C) of the Planning and Development Act, 2000 (as amended). The Guidelines are also contrary to SEA Directive as they authorise contraventions of Development Plans / Local Area Plans without and SEA being conducted, or a screening for SEA being conducted on the variations being brought about to the Development Plan / Local Area Plans as a result of same.
- The proposed development materially contravenes the density, housing mix, public open space, building height and visual impact, car parking, childcare, Architectural Conservation Area, Local Area Plan / Masterplan / Urban Design Framework requirement / provision set out in the development plan and cannot be justified.
- The proposed development does not comply with the requirements of the Urban Height Guidelines.

- The proposed development is not of 'strategic or national importance' and the applicant has not provided any basis for asserting same.
- The application and associated documentation do not comply with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001(as amended).
- The applicant has not demonstrated that there is sufficient infrastructure to support the proposed development by reference to public transport, drainage, waster services and flood risk.
- Justification of non-compliance with the LAP, development plan, Masterplan and or Urban Design Framework would amount to unlawful breach of the requirements of SEA Directive.

Screening for EIA

- Although the proposed development is sub-threshold it should be subjected to a full EIA.
- The screening for EIAR and the Ecological Impact Assessment are inadequate and deficient and does not permit an assessment of the potential environmental impacts.
- Insufficient information has been submitted. It is envisioned that certain matters would be agreed by a contractor and with the planning authority, such an approach is contrary to the requirements, including public participation, of the EIA directive, in circumstances where there is no mechanism for the public to participate in the process leading to the agreement with the planning authority under the 2016 Act, and in circumstances where there is a distinct lack of detail in the information provided that would provide a clear criteria for matters to be so agreed. If the Board was minded to impose such a condition, in light of the foregoing, it would effectively be abdicating its responsibilities under the EIA directive.
- The Board lacks ecological and scientific expertise and / or does not appear to have access to such expertise in order to examine the EIA Screening Report as required under Article 5(3)(b) of the EIA Directive.

- The information submitted is insufficient and contrary to the requirements of the EIA Directive and the provisions of national law.
- There is insufficient information on the impact on bird and bat flight lines / collision risks.
- The criteria in the EIA Screening Report does not comply with the Planning and Development Act, 2000, the 2016 Act or associated Regulations.
- The EIA Screening failed to provide a comprehensive cumulative assessment of the project
- The EIAR Screening is inadequate with regard to population, human health and biodiversity.
- The development does not comply with the BRE guidelines

Screening for AA

- The Screening for AA is insufficient and not based on appropriate scientific expertise and as such does not comply with the Habitats Directive and the Planning and Development Act 2000 (as amended). The Board does not have sufficient and / or adequate information to carry out a complete AA Screening.
- The AA Screening Assessment does not provide sufficient reasons or findings. The conclusions / statements made do not identify a clear methodology and no analysis is offered in respect of sites screened out.
- The AA Screening does not consider all aspects of the proposed development, including relevant aspects during the construction phase such as compounds and haul roads.
- Insufficient surveys regarding bird collision / flight risk.
- The Zone of Influence is not reasoned or explained.
- The AA Screening fails to identify and consider all potential impacts on protected bird species.
- No regard or inadequate regard to the cumulative effects.
- The AA has regard to mitigation measures
- Insufficient site specific surveys for the purpose of AA.

8.0 Planning Authority Submission

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 21st March 2022. The report includes a summary of the proposed development, site description, relevant planning history, third-party submissions and prescribed bodies. The views of the elected members at the North West Area Committee on the 5th February 2022 are included in Appendix B and summarised as follows: Height, Design, Layout, Zoning Objective and Variation no. 33, Residential Unit Mix, Housing Need Assessment, Transportation, Car Parking, Community Facilities and Amenities, BTR Model, Infrastructure Constraints. Appendix A includes Internal Reports from Transportation Planning Division; Housing Department; Parks, Biodiversity and Landscaping Services; Engineering Department – Drainage Division; Environmental Health Officer; Archaeology Section; and Waste Regulation and Enforcement Units. The key planning considerations of the Chief Executive's report are summarised below.

Zoning and Land Use: 'Residential', 'Restaurant' (definition includes 'café'); 'Shop' (neighbourhood) and 'Childcare Facility' are 'Permissible' uses in areas zoned 'Z14'.

Variation 33 of the Dublin City Development Plan 2016 – 2022 and the Requirement for a Masterplan: A key component of the rezoning and the designation of the lands as an SDRA is the requirement for the preparation of a masterplan for the entire SDRA lands by all major landowners in conjunction with the planning authority which complies with the guiding principles, to be agreed with the planning authority before the lodgement of any planning application. While the masterplan is not currently in place the process of preparation has begun in earnest. The planning authority has convened 2 no. meetings (17/02/2022 and 04/03/2022) with all landowners (c. 14no). A Masterplan brief was issued to all landowners (March 2022) The purpose of these meetings are to reach an agreed approach going forward on the devising of the masterplan with a Working Group and an owners Steering Group with DCC's Project Team working with both groups. It is anticipated that a draft masterplan will be complete in May and the final masterplan will be in place in September 2022.

The proposal is premature pending the preparation of the required masterplan. The planning authority does not consider the principle of the development appropriate and cannot support the current proposal at this critical phase of the master planning process. Permitting the development would undermine the master-planning process and the development of the SDRA lands in a sustainable and coherent manner. It is strongly recommended that planning permission be refused on this basis.

SDRA 19 / Guiding Principles / Character Area: Notwithstanding the limited compliance noted with some of the SDRA Guiding Principles and Framework Plan it is important to note that the Framework Plan map is 'Indicative Only' at this stage and the Guiding Principles are to be fleshed out during the current Master Planning stage when further details of street design, integration with streetscapes, including Jamestown Road etc. will be set out. Major areas of non-compliance with the guiding principles are also noted.

As a standalone site the landuse strategy is not in compliance with the SDRA guiding principle of landuse and activity uses indicated for Jamestown character area which requires that the lands will be developed at a ratio of 70% employment to 30% residential. The application proposes 13% employment to 87% residential. The proposal is at significant variance and non-compliant with the SDRA framework. Permitting the development as proposed would undermine the entire master-planning process for the SDRA lands. The planning authority cannot support either the ratio of landuses proposed or the residential density of the development. This piecemeal speculative proposal is not an appropriate approach. Without any agreement in place, by way of a masterplan, on the detail on how adjoining / adjacent sites in the Jamestown character may develop in landuse terms, it is considered premature to approve the proposal as the required masterplan is not in place.

Furthermore it is considered premature at this stage to state the housing mix/tenure etc. proposed i.e. 110 (34%) 1-bed units and 211 (66%) 2-bed units on this site is appropriate. The future masterplan will include a Housing Needs Demand Assessment for the SDRA which will address all the above, incorporating a range of housing typologies, avoiding the over-proliferation of a single-housing tenure in any character

area. In the absence of the required masterplan, the proposal is therefore deemed premature in this regard.

The masterplan will also include an agreed approach, for the entire lands, to the public realm, including details on how the development will integrate with the existing streetscape, including that streetscape along Jamestown Road; a green infrastructure strategy; an integrated Surface Water Management Strategy and a Mobility Management Strategy, including details of a pedestrian/cycling link connecting the Jamestown Road to Finglas Village.

Building Height and Integration with Established Residential Development.

Having regard to the zoning objective of the adjacent residential areas to the east (Z1) the site is considered a transitional zone area (14.7 of the city development plan refers). In such area it is important to avoid abrupt transitions in use and necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. Particular attention must be paid to the use, scale, density and design of development proposals.

Policy SC16 of the Development Plan acknowledges the intrinsic quality of Dublin as a low-rise city and that it should predominantly remain so. Heights of up to 16m may be considered under the provisions of the city development plan. The development plan has been superseded by the Building Heights Guidelines, with no numerical caps on height now applicable. The development is a material contravention of the city development plan.

While greater height may be acceptable the proposed heights appear excessive at this location, particularly where the blocks are address Jamestown Road and the modest, single-storey dwellings directly opposite. Any height shall respond to the existing context and respect existing residential properties along Jamestown Road and future redevelopment sites within the overall Z14-zoned land bank. As per the requirements of the SDRA framework, a masterplan is to be comprised and will include an agreed approach to the how the development will integrate with the existing streetscape along Jamestown. The site is not considered to be of sufficient size to create its own character.

Proposed Blocks D and E: These blocks are those most likely to impact on the residential amenities of established residential development along Jamestown Road and the established character of the area. The planning authority considers the 6-storey, 21.5m-height of Block D onto Jamestown Road is excessive in height when considered in the context of the modest, single and 2-storey dwellings directly opposite the site.

It is noted that the Verified Views and CGIs submitted do not show the development in the context of these established dwellings directly opposite. Views further south and north are included from where it is acknowledged that impacts would not be so great on these dwellings located at a greater distance from the site. The validity of the Townscape Assessment and CGIs is seriously questioned in terms of its thoroughness.

The negative impact resulting from the excessive height is exacerbated by a high volume of projecting balconies on the front/east elevation of this block facing directly towards the front of these single-storey dwellings. It is considered this aspect of the development is poorly considered. Some of the units are dual-aspect and the provision of the balcony to the rear of the block, facing towards the interior of the development, including the communal amenity space, is far preferable, being west-facing and reducing impacts on the residential amenities of Jamestown Road dwellings.

Block E is a commercial block fronting onto Jamestown Road of similar height to Block D, 20m. The block is designed with a modern, industrial-type aesthetic and would be more suitable in a location away from the dwellings along Jamestown Road, internalised on the site. The planning authority is not convinced by the architectural design of it and its presentation onto Jamestown Road.

The speculative development of an enterprise/employment site with significant main road frontage directly opposite single storey suburban housing represents an abrupt and unfavourable transition from the surrounding low-rise, modest built environment and is not considered suitable for buildings of the height and design proposed and in particular in the absence of an agreed Masterplan for the comprehensive redevelopment of these lands.

Apart from Block E, the buildings lack sufficient variety in design with a similar palette of materials and architectural detailing applied to the remaining 4no. blocks. For a development of such scale and height as this one there is significant scope to differentiate between buildings and apply a more interesting variety of high quality materials and architectural articulation to the scheme. The proposal appears monotonous and formulaic. In this regard Guiding Principle No. 4 of the SDRA is highlighted : High-quality architectural design and quality will be encouraged throughout the SDRA. Section 3.2 of the Urban Development and Building Height Guidelines requires that “Development Proposals incorporating increased building height should successfully integrate into/enhance the character of the area. The planning authority does not consider the proposal satisfies either criteria.

The height proposed is at the upper end of the 4 to 6 storey general building heights identified in the SDRA guiding principles. While the height may be acceptable, the architectural design is considered monolithic with no regard had to the character of the area. Architectural detailing and articulation are absent with the blocks proposed as generic buildings with little visual interest.

Residential Mix: As with all BTR residential proposals no restrictions on dwelling mix apply as per SPPR 8 of Apartment Guidelines (2020). Notwithstanding this flexibility provided for under the section 28 guidelines, the masterplan to be devised for the SDRA lands will include a Housing Needs Demand Assessment (HNDA) and shall address residential issues, including residential mix. The masterplan will also require lands to demonstrate the incorporation of housing typologies, avoiding the over proliferation of a single-housing tenure in any one character area, to create a sustainable community. Once again, the planning application would repeat that this proposal is considered premature pending adoption of the agreed masterplan and HNDA.

Parks and Landscaping and Biodiversity: The report from DCC’s Parks Division considers the landscape architectural submission well-developed with a master landscape plan with two main internal spaces defined by the block layout, site peripheral planting and roof greening. This area of the city has a good provision of open space per person and is not a deficit area.

Public open Space/Public realm: The public open space provision is stated as 2,045m², which meets the required 10% of the site or 1,760sqm. The public open space will not be taken in charge and suitable conditions are required to safeguard public access and use. Materials used within the public realm shall deploy higher quality natural stone at key areas such as plazas. In addition, a greater variety of tree species is recommended and in particular a greater use of large canopy species should be included. Distribution of planting and street furniture in the public realm should be assessed further for unobstructed circulation routes of sight impaired/mobility impaired persons. An agreed approach to the public domain and street design is a identified element of the future masterplan for the lands.

Sunlight/shadow assessment: The submitted assessment is noted. No concerns raised.

Biodiversity: The ecological report indicates no presence of alien species of concern. It is also noted that a number of the SDRA principles relate to public realm, landscaping, green infrastructure and SUDs.

Private Open Space: The proposal provides for a large number of units were balconies directly off bedroom units only. To provide for private open space accessible only from the bedroom for over 10% of units in the scheme is not acceptable from a quality point of view. In addition to this, it is noted that many of the units, while they have access to the balcony from the living rooms, the space is mainly positioned outside of the bedrooms areas of the units. The quality of the space is further diminished as a result. The quality overall of these balconies is low. Furthermore, Units in Block D have their balconies looking towards a busy road, i.e. Jamestown Road, as opposed to the rear of the block facing the internal areas of the scheme, including the communal open space. Overall the quality of the private open spaces is in many instances, is poorly considered.

Overshadowing of adjoining industrial sites: The blocks would have a significant overshadowing impact compared to the baseline but this is not considered unacceptable.

Built to Rent Amenities: 'Residents Support Facilities' are listed as reception, bike store; toilets; bin store; store and laundry room. Apart from the reception and laundry area it is not clear how the scheme is supported above and beyond any standard residential scheme. These support facilities are poorly considered and in the planning authority's view do not constitute specific BTR residential support facilities for the most part

Residents Services and Amenities are provided which comprises of a study area; library; lounge; gym; games area; kids' playroom; cinema room; bookable kitchen and postal storage area. The planning authority would not consider the postal storage area to constitute a facility for recreation and should be discounted. All are provided in the ground floor or Block D, central in the scheme.

With 1,074 no. bedspaces proposed and approximately 780 sqm of internal BTR recreational facilities proposed this results in less than 0.72sq.m. of recreational amenities per bedspace. Unfortunately guidance on the quantum of such amenities to be provided is not provided for in the Apartment Guidelines. However the planning authority is of the view that the minimum figure commonly used is 2 sqm per bedspace, however, it could vary from 2-4 sqm m depending on the scheme and the quality of the spaces together with the quality of the external amenity spaces.

The developer is also required to provide an evidence base that the proposed facilities are appropriate to the intended market. The planning authority notes that no such evidence base has been provided with the application documentation.

The Planning Authority is wholly unsatisfied with the level and diversity of residents support and service and amenity facilities and does not consider the requirements of SPPR 7 to be fulfilled. Permission should be refused on this basis.

Childcare Facilities: The applicant has proposed a childcare facility in the scheme. This welcomed by the planning authority.

Social Audit and Capacity of Schools: While it is acknowledged that a commercial gym and retail unit are to be provided in the scheme, the inclusion of a community facility would provide significant community gain and aid in the integration of the

established and new residential communities. Such a facility could be provided in the scheme by way of the attachment of an appropriate condition in the event of a grant of planning permission.

A list of schools and educational facilities in the area is submitted. The expected number of children which the scheme might accommodate across the school going cohorts is low (73 at Primary level and 49 at Post Primary) and it is reasonable to consider such numbers should be absorbed by the existing primary and post-primary schools without undue pressure on existing schools.

Telecommunications Apparatus 16.33.1 Siting, Design and Visual Amenity: The applicant has not submitted sufficient rationale or justification for the erection for telecommunications infrastructure on top of residential units. In the event of planning permission being granted this element of the proposal should be omitted.

Part V: It is recommended that a condition be attached to any grant that requires the applicant to agree Part V compliance prior to occupation of the development.

Conclusion: The planning authority does not support the proposal based on its piecemeal and ad hoc nature and the prematurity of same pending the completion of the masterplan for the SDRA 19 lands; the failure of the proposal to integrate successfully into the vicinity by reason of its excessive height and design onto Jamestown Road and the poor quality and quantity of the communal recreational supporting BTR facilities proposed. The proposal is contrary to the proper planning and sustainable development of the area. It is recommended that permission be refused for 3 no. reasons as outlined below: -

1. It is considered that the proposed development would be premature pending the completion of the Masterplan for the Designated SDRA 19 lands as per Section 15.1.1.22 of the Dublin City Development Plan 2016 – 2022 (as varied). A grant of planning permission in this instance would set an undesirable precedent for the ad hoc and piecemeal development of Z14 ‘Strategic Development and Regeneration Areas’ that could prejudice the future regeneration of such lands in accordance with national and regional policy objectives to target significant future growth (housing and employment) into

brownfield lands within the M50 corridor and along public transport corridors. The proposed development, would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the need for high standards of urban design and architecture and to successfully integrate with the character and public realm of the area as per Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018), the proposed development by reason of the monolithic design of Blocks A, B, C and D, the excessive height of Block D, and excessive height and industrial design of Block E, does not successfully integrate with established residential development in the vicinity. The proposed development would, therefore, be contrary to the Ministerial Guidelines and the proper planning and sustainable development of the area.

3. Having regard to the need to provide for high quality supporting communal and recreational amenities in BTR residential schemes, supported by an evidence basis of the appropriateness of such amenities, and the obligation of the project proposer to demonstrate the overall quality of the facilities proposed and that residents will enjoy an enhanced overall standard of amenity as per SPPR 7 of Sustainable Urban Housing : Design Standards for New Apartments (2020), the supporting communal amenities proposed in this scheme are seriously substandard both in quality and quantity. The applicant has failed to demonstrate to the satisfaction of the planning authority that the future occupants of the scheme would enjoy an enhanced standard of amenity and would seek to remain tenants in the longer term. The proposed development would, therefore, be contrary to the Ministerial Guidelines and the proper planning and sustainable development of the area.

9.0 Prescribed Bodies

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

- Irish Water
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Health Service Executive

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 21st January 2022. A summary of the comments received are summarised below.

Irish Water

In respect of Water a connection is feasible subject to infrastructure upgrade works. There are currently no plans to extend its network in this area. Should you wish to progress with the connection you will be required to fund this network extension. In respect of Wastewater

On site storage for the average day peak week demand rate of the commercial section for 24-hour period. This separate storage is required to supply this demand and will have a re-fill time of 12 hours.

In respect of Wastewater a connection is feasible subject to infrastructure upgrade works. Capacity exists to facilitate a connection to the 1,000mm diameter sewer approx. 180m north of the site (MH ID SO13407001). As noted in the Confirmation of Feasibility, dated 8th February 2021, it is not currently feasible to determine if a connection can be accommodated to the 300mm sewer outside the development. This should be assessed at CA stage where more information should be available to IW.

Transport Infrastructure Ireland

The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

Dublin Airport Authority

The proximity of the proposal to the airport means the operation of cranes during construction may cause concerns in relation to air safety, and at a minimum, requires further detailed assessment in relation to flight procedures at Dublin Airport. It is requested that a condition is attached to any grant of permission, requiring the developer to agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with DAA and with the Irish Aviation Authority.

No response was received from the National Transport Authority or the Health Service Executive.

10.0 Assessment

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

- Principle of Development
- Density
- Design Approach
- Building Height
- Housing Tenure and Unit Mix
- Open Space
- Residential Amenity

- Transportation
- Water Services and Flood Risk
- Telecommunication Infrastructure
- Aviation
- Material Contravention
- Chief Executives Recommendation

10.2. ***Principle of Development***

- 10.2.1. The proposed development comprises the construction of 321 no. Build to Rent (BTR) apartments and c. 2,438 sqm of office space in 5 no. Blocks (A -E) ranging in height from 5-6 storeys over basement level.
- 10.2.2. The subject site forms part of Strategic Development and Regeneration Areas (SDRA) 19 which comprises 430.1ha of lands at Jamestown Road, St. Margaret's Road and McKee Avenue, Finglas. Section 15.1.1.22 (Variation 33) of the development plan notes that these lands are currently used for a range of low density employment and other uses, with a high level of underutilisation and a number of vacant sites. They have been identified as having significant potential for regeneration and providing new brownfield redevelopment within the city, proximate to existing services and planned high quality public transport investment.
- 10.2.3. The SDRA 19 lands were re-zoned in June 2021 under Variation no. 33 of the Dublin City Development Plan. The subject site is currently zoned 'Z14' Strategic Development and Regeneration Areas (SDRA's) with the associated land use objective to seek the social, economic and physical development and / or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominate uses. The land use objective for Z6 lands is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation. I am satisfied that the proposed development, which comprises residential uses with some commercial uses is appropriate at this location and in accordance with the land use zoning

objective. It is noted that in principle the planning authority and third parties raise no objection to the redevelopment of the site.

- 10.2.4. Section 15.1.1.22 (Variation 33) of the development plan also sets out 6 guiding principles for SDRA 19. These principles are (1) Urban Structure; (2) Land Use and Activity; (3) Height; (4) Design; (5) Green Infrastructure; and (6) Climate Change. There is also a requirement that a masterplan be prepared for the entire SDRA lands which complies with the above guiding principles, to be agreed with the planning authority before the lodgement of any planning application.
- 10.2.5. The planning authority and third parties have raised serious concerns that the proposed development is premature pending the completion of a masterplan. The applicant's material contravention statement acknowledges the requirement for a masterplan for the overall SDRA 19 lands prior to lodgement of a planning application. However, applicant considers that a material contravention of this requirement is justified as the proposed development would contribute much needed housing to the area in the short term and would remove the site from the vacant sites register. It is further stated that the site can be redeveloped independent to the overall SDRA whilst implementing and aligning with the guiding development principles as set out in Variation No. 33. It is also considered that due to the complexities, collaboration and timescales required to produce such a masterplan it would significantly delay the redevelopment of the subject site.
- 10.2.6. The planning authority acknowledge that the masterplan is not currently in place. However, it is stated that the process of preparation of a masterplan has begun in earnest, with 2 no. meetings (17/02/2022 and 04/03/2022) occurring with all landowners. A masterplan brief was issued to all landowners in March 2022 and it is anticipated that a final masterplan will be in place in September 2022.
- 10.2.7. It is noted that the planning authority are currently in the process of preparing a masterplan and that its preparation is a requirement of SDRA 19. However, having regard to the sites location on the periphery of the SDRA lands with frontage and direct vehicular access onto Jamestown Road, the existing block layout and road network within the Finglas Business Centre and the sites current status on the vacant site

register it is my view that the subject site could be appropriately developed without prejudicing the development of adjacent lands. Therefore, it is my opinion that the development of this site is not reliant on the adoption of a masterplan and should be assessed on its merits. It is also noted that the applicant has endeavoured to comply with the indicative outline provided in variation 33 of the development plan. The issue of material contravention is addressed below in Section 10.13.

- 10.2.8. Guiding Principle 2 Land Use and Activity of SDRA 19 envisions that the lands would be developed at an approximate ratio of 50% residential, 30% employment / commercial; 10% public open space and; 10% community/education. Three character areas are identified within the SDRA, these are The Village, Luas and Jamestown. The subject site is located within the Jamestown character area which is located within the north-east portion of the SDRA lands, along Jamestown Road. It is envisioned that to support the continuation of a sustainable working community that this area be developed at an approximate ratio of 70% employment / commercial and 30% residential. Up to 10% flexibility in the mix of uses is permissible within individual sets and quarters to meet design requirements.
- 10.2.9. The proposed development includes a ratio of 13% employment / commercial uses and 87% residential uses. Even allowing for a 10% flexibility, the proposed ratio of uses is not in accordance with the provisions of SDRA 19. The planning authority note that the proposal is at significant variance and non-compliant with the SDRA framework and consider that permitting the development as proposed would undermine the entire master-planning process for the SDRA lands. The planning authority do not support the ratio of land uses proposed and consider this to be a piecemeal speculative proposal which is not considered an appropriate approach.
- 10.2.10. The applicant has acknowledged the ratio of uses is not in accordance with the guiding principles of the SDRA and submitted a material contravention statement in this regard. The material contravention statement justified the proposed uses due to the predominately commercial use of the wider SDRA lands and the Jamestown character area and states that the residential element of the proposed development represents 11.5% of the overall Jamestown lands character area. Therefore, c. 89% of the Jamestown character area would remain in commercial use. With regard to the overall

SDRA lands c. 96.5% would remain in commercial use following the implementation of the proposed scheme. It is further stated that a higher proportion of residential development is considered appropriate here as the subject site is strategically located on the edge of the SDRA and provides a logical and sequential transition between the established residential neighbourhood to the east and the Z14 lands to the west.

10.2.11. It is acknowledged that the unit mix is not in accordance with the provisions of SDRA 19 and the issue of material contravention of land use and activity mix is addressed below in Section 10.13. However, it is my view that the proposed mix of uses is justified in the context of the impact of the redevelopment of the subject site would have to encourage other similar sites within the SDRA to come forward for redevelopment. It is also my view that the proposed mix of uses would not unduly prejudice the redevelopment of the overall SDRA lands and would provide an appropriate transition from the existing residential uses on Jamestown Road.

10.3. ***Density***

10.3.1. Guiding Principle 2 Land Use and Activity also sets out a density range of 80-100 units per hectare for the Jamestown character area. The proposed scheme has a density of 208 no. units per ha, which is in excess of the SDRA 19 standard. The applicant has submitted a material contravention statement in this regard and the issue of material contravention is addressed below in Section 10.13. It is noted that the planning authority stated that they cannot support the proposed density and third parties also consider the proposed density excessive for the subject site.

10.3.2. Section 16.4 of the development plan states that an urban design and quality-led approach to creating urban densities will be promoted. To control the scale and mass of a development and to prevent overdevelopment of a site the development plan sets out indicative plot ratio and site coverage standards. In this regard an indicative plot ratio of 1.0 – 3.0 and an indicative site coverage of 50% is envisioned for Z14 lands. The proposed scheme has a plot ratio of 1.97 and a site coverage of 36%. The proposed plot ratio and site coverage are, therefore, in accordance with the indicative standard set out in the development plan. While the density standard is in excess of the guiding principles of SDRA 19 it is my opinion the proposed quantum of

development is in accordance with Policy SC13 of the development plan to promote sustainable densities at appropriate locations.

- 10.3.3. The National Planning Framework and the Regional Spatial and Economic Strategy also support increased densities at appropriate locations. The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. National Policy Objective 35 states that increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- 10.3.4. The Regional Spatial and Economic Strategy (RSES) is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people’s quality of life through the creation of healthy and attractive places to live, work, visit and study in. The site is located within the ‘Dublin Metropolitan Area’. Regional Policy Objective 5.4 states that future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’. Regional Policy Objective 5.5 states that future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.
- 10.3.5. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most

appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the site's urban location, proximity to existing and proposed high frequency and capacity public transport and proximity to employment centres and significant urban amenities, it is my opinion that the proposed development complies with national guidance and, therefore, is suitable for higher density.

10.3.6. While it is acknowledged that the quantum of development is significantly denser than the adjacent housing and the density range of 80-100 units per hectare outlined in SDRA 19, it is my view that SDRA 19 lands will be undergoing a major transition in the short to medium term and that the proposed development would reinforce that changing profile and significantly contribute towards consolidating the urban environment which is in accordance with Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, which support higher density developments in appropriate locations.

10.3.7. In conclusion I have no objection in principle to the proposed density, plot ratio or site coverage and consider that schemes should not be subject to a blanket numerical limitation. I am satisfied that the proposed quantum of development is in accordance with local, regional and national policy.

10.4. ***Design Approach***

10.4.1. The proposed scheme represents the redevelopment of a vacant underutilised 1.76ha brownfield site in the urban area. The surrounding area to the north, south and west is characterised by warehousing and light industrial units. The area to the east (Jamestown Road) is characterised by low density 1950's and 1970's suburban

housing. The site is rectangular in shape and generally flat. It largely comprises hardstanding and an ESB substation, as well as rubble, gravel and shrubbery.

- 10.4.2. The proposed development comprises the construction of 321 no. BTR units and c. 4,497 sqm of commercial uses in 5 no. urban blocks (A – E) ranging in height from 5 – 6 storeys. In general, the blocks are provided at the sites boundaries with a central area of open space. Blocks A, B and C are primarily residential blocks. They are 6 storeys (21.1m) in height with a similar design approach. These blocks form an urban edge at the sites western boundary with the Finglas Business Centre internal access road. Block A is L shaped and also provides frontage at the site southern boundary with the Finglas Business Centre internal access road with a café use at ground floor level. Block C is also L shaped and provides frontage onto the proposed internal access road at the sites northern boundary with a creche at ground floor level. Block B is rectangular in shape and sits between Blocks A and C. Block D is also 6-storeys (21.1m) in height with a similar contemporary design approach. However, this block is irregular in shape. It partly sits at the sites eastern boundary with Jamestown Road and projects into the centre of the site with residential amenity space provided at the ground floor level. Block E is a commercial Block. It is rectangular in shape and is located at the south eastern corner of the site at the entrance to the Finglas Business Centre. This block is 5 storeys (20m) in height, however, due to the commercial nature of the block and the associated higher floor to ceiling heights it is a similar height to the other blocks. The Architectural Design Statement indicates that the proposed predominate external material for the blocks would be red and buff brick.
- 10.4.3. Figure 38A of SDRA 19 provides an indicative urban block structure for the lands. It is acknowledged that the applicant has endeavoured to comply with the indicative layout in the SDRA. However, the planning authority note that the Framework Plan map is 'Indicative Only' and detailed design will be set out in the masterplan.
- 10.4.4. Concerns are raised by a third parties that the scale of the development is out of character with the surrounding area and would have a negative impact on the visual amenities of the area. The planning authority also consider that the scheme appears monotonous and formulaic regarding the buildings lack of sufficient variety in design

with a similar palette of materials and architectural detailing applied to Blocks A, B, C and D and considers that the scheme does not comply with guiding principle 4 of the SDRA.

- 10.4.5. Guiding principle 4 Design of the SDRA requires a high quality architectural design and quality with architectural variety in terms of design, materials and finishes. As outlined above the scheme comprises 5 no. urban blocks (A – E). I agree with the planning authority that 4 no. blocks (A – D) have a similar design approach. These blocks are primarily 6-storey residential blocks with a brick finish. Block E sits c. 1m below Blocks A – D. It also has a brick finish at ground and first floor. However, it is predominantly glazed at second to fourth floor levels with a metal detailing. The planning authority also raised some concerns regarding the industrial design approach for Block E and consider that it would be more appropriately located away from the residential properties on Jamestown Road. While it is acknowledged that this is largely subjective it is my view that Block E would add visual interest and aid with placemaking and is appropriately located at the entrance to the Finglas Business Centre.
- 10.4.6. While the blocks could have been of a more ambitious with regard to architectural design / style, it is my view that the proposed layout and orientation of the buildings provide an appropriate urban edge to both Jamestown Road and the Finglas Business Centre and that the high quality external materials (brick), change in colour of brick, the breaking up of the blocks (A, B and C) to reduce their mass and scale, the irregular shape of Block D and the differing architectural design approach to Block E, in combination with the improved permeability through the site and areas of public open spaces provides for a sufficient variety within the scheme and would accord with Guiding Principle 4 to enhance legibility and provide visual interest. In addition, it is noted that the scheme complies with guiding principle 1 Urban Structure of SDRA 19 which recommends that urban blocks generally be between 60m-80m in size but shall not be more than 100m in width/length to ensure that an optimal level of permeability is achieved at an appropriate scale.
- 10.4.7. With regard to the impact of the scheme on the visual amenities of the area a Townscape and Visual Impact Assessment (TVIA) was submitted. This includes 12

no. verified views of the scheme. These views provide a comparison of the existing site and the proposed development. It is noted that the planning authority raised some concerns regarding the location of the views provided and consider that additional views from Jamestown Road, directly opposite the scheme should have been provided. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear.

10.4.8. There are 5 no. categories used to classify magnitude of change and scale of effect. These are Profound, Substantial, Moderate, Slight and Negligible. The sensitivity of change categorised as Severe, Substantial, Moderate, Slight and Negligible. The nature of the effect can also be considered Positive, Neutral or Adverse. Details of these categories are provided within the applicants TVIA. Section 4 of the applicant's assessment provides a summary of the visual impact (significance) of the development from the 12 no. viewpoints. I agree with the findings of the proposed scheme would have a substantial impact from 4 no. views only. The impact from the remaining views would be slight or no change.

10.4.9. The 4 no. views (1, 5, 9 and 12) where the impact is considered to be substantial are short distance views taken from the site boundaries on Jamestown Road and within the Finglas Business Centre. It is acknowledged that the blocks would be highly visible when viewed directly from the site boundaries, surrounding streets and commercial premises and that the proposed height is taller than the existing adjacent single and 2-storey dwellings on Jamestown Road and surrounding low density industrial / warehousing units and would introduce new features in the skyline. However, I agree with the findings of the applicant's assessment and consider that the proposed scheme would not significantly detract from the visual amenities of the area and would not be visually obtrusive. In my opinion the visual impact from short range views, would be generally positive due to the current vacant nature of the site and the contemporary design of the scheme. It is also my view this site is capable of absorbing a high-density urban scheme and that it would make a positive contribution to the streetscape which should be viewed in the changing context of the SDRA 19 lands.

- 10.4.10. A Housing Quality Assessment (HQA) was submitted with the application which indicates that the proposed units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines. In addition, 77% of the apartments (247 no. units) would be dual aspect, which is in accordance with SPPR4(ii) which allows for a minimum of 50% of units to be dual aspect in suburban or intermediate locations. I have no objection to the room sizes or percentage of dual aspect units and consider them appropriate at this site. There are no north facing single aspect units.
- 10.4.11. APPR 7 (b) of the Apartment Guidelines provides that BTR developments must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. The scheme includes 841sqm of internal residential services and amenities. These are provided within the ground floor level of Block D and include a study area (245sqm), residents gym (168sqm), residents lounge (118sqm), games room (110sqm), library / quiet room (53sqm), kids play room (52sqm), cinema room (49sqm) and a bookable kitchen (46sqm). The ground floor level of Block D also incorporates support facilities including concierge desk / reception (129sqm) and laundry room (24qm). It is noted that the scheme also incorporates refuse stores, bicycle parking and post boxes which have been included in the applicants calculation for residential support services. However, it is my view that these form part of any residential scheme are not considered additional internal residential amenity spaces to serve the proposed 321 no. BTR residential units. The provision of these non-residential uses is welcomed, however, in my opinion they are insufficient for a scheme of this scale.
- 10.4.12. The planning authority have raised serious concerns regarding the quantity of appropriate internal residential amenity services and facilities. The scheme incorporates 321 no. units with 110 no. 1-bed units (2-person), 9 no. 2-bed / 3 person units and 202 no. 2-bed / 4 person units. Based on full occupancy the scheme has a potential future population of 1,055 persons. This equates to c. 0.8sqm of internal residential amenity space per future occupant. Having regard to the Building to Rent nature of this scheme and the provisions of SPPR 7 I agree with the concerns raised by the planning authority regarding the lack of adequate internal residential amenity space. However, it is my view that this could be addressed by way of condition to omit

some for the residential units and provide additional internal amenity space. In this regard if permission is being contemplated it is my view that the 7 no. units at the ground floor level of Block B (units B.G.01, B.G.02, B.G.03, B.G.04, B.G.05, B.G.06 and B.G.07) be omitted and replaced with internal residential amenity space. It is also considered that additional non-residential uses at this location would enliven the area of communal open space and provide an active frontage on the Finglas Business Centre internal access road.

10.4.13. Notwithstanding the quantity of the residential amenity and support uses, it is my view that their location at ground floor level in combination with the proposed café (Block A), creche (Block C), public gym (Block D) and office use (Block E), would provide an appropriate mix of uses and active frontage on to Jamestown Road and the Finglas Business Centre and would provide passive surveillance of the areas of open space.

10.4.14. The planning authority also raised concerns regarding the location of balconies on the eastern elevation of scheme, fronting on to Jamestown Road, which is a heavily trafficked road. Block D includes 5 no. balconies at each level (first to fifth floor) that front directly onto Jamestown Road. The eastern elevation of Block D is located c. 7m from the public road. I have no objection to the provision of balconies that directly overlook Jamestown Road and in my view they would provide passive surveillance of the street and an appropriate urban edge to the scheme.

10.4.15. In conclusion, I have no objection in principle to the proposed design or layout of the scheme and consider that the form, massing and height of the blocks and the relationship between the blocks results in a high quality and coherent urban scheme that provides a clear hierarchy of spaces. It is also considered that this development results in wider planning benefits, such as the delivery of a significant quantum of housing and the comprehensive redevelopment of an underutilised urban site which would support the consolidation of the urban environment, which is welcomed.

10.5. ***Building Height***

10.5.1. The development plan acknowledges the intrinsic quality of Dublin as a low-rise city and states that it is policy that it should predominantly remain so. Section 16.7.2 of the

development plan sets out maximum building heights which restricts the height of a residential development in the outer-city to 16m for both commercial and residential developments. The scheme ranges in height from 5 storeys (c. 20m) to 6 storeys (c.21.1m). There is a lift overrun at Block D which increase the height to c. 23m. Therefore, the height of the scheme does not accord with the height strategy as set out in the development plan, as it exceeds 16m in height. However, there is a caveat in Section 16.7.2 (1) which states that planning applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA. Guiding Principle 3 Height of SDRA 19 states that in general building heights in the range of 4-6 storeys will be encouraged. Therefore, the proposed building heights are in accordance with the provisions of both Section 16.7.2 of the development plan and the guiding principles of SDRA 19 and in my opinion is not a material contravention of the development plan.

10.5.2. Guiding Principle 3 Height of SDRA 19 also states that height shall respond to the existing context and respect existing residential properties. Concerns are raised by both the planning authority and third parties that the proposed height is excessive in the context of the existing single and 2-storey dwellings on Jamestown Road. Section 14.7 Transitional Zone Areas notes that in zones abutting residential areas, particular attention must be paid to the use, scale, density and design of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties. The proposed development is located a minimum of c. 30 from existing single and 2-storey properties on the opposite side of Jamestown Road. It is acknowledged that the proposed buildings are significantly taller than the existing dwellings. However, having regard to the urban location consideration should be given to the fact that the comparison is being made is between an existing, under-utilised site and the proposed development, which will inevitably have some form of an impact and that some flexibility should be applied to balance the need for housing on zoned and serviced lands. In my opinion to significantly reduce the height of the scheme along Jamestown Road would unduly compromise the design / streetscape.

10.5.3. The concerns raised by third parties and the planning authority regarding the height of the proposed scheme are noted. However, I am of the opinion that the proposed

building heights are not excessive and that this particular area can accommodate increased height over and above the prevailing context of 1-2 storeys and that additional housing units would assist in achieving national policy objectives for significantly increased housing delivery in an urban area. It is also noted that the proposed building heights are in accordance with provisions of SDRA 19.

- 10.5.4. The planning authority also consider that the proposed development does not comply with Section 3.2 of the Urban Development and Building Height Guidelines requires that development proposals incorporating increased building height should successfully integrate into/enhance the character of the area. Section 3 of the Building Height Guidelines refers to the Development Management Process. It is noted that 'building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise development is not an option in this location, simply because the prevailing heights are 1-2 storeys. The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- Site is well served by public transport
- A Townscape and Visual assessment was carried out and has been addressed throughout the report. I am satisfied that there will not be an unacceptable impact.
- Proposal makes a positive contribution to place-making by virtue of new streets and public spaces within the 1.76ha site, using massing, scale, and height to achieve required densities but with sufficient variety in layout and orientation of buildings and materials to aid with placemaking and legibility and it responds appropriately to the scale of adjoining developments.

Scale of district/neighbourhood/street:

- Design has responded to its overall natural and built environment and makes a positive contribution with the placement of the majority of car parking at

basement level and the provision of significant areas of public open space and high-quality public realm including upgrades along Jamestown Road.

- It is not monolithic. The breaking up of the blocks (A, B and C) to reduce their mass and scale, the irregular shape of Block D and the differing architectural approach to Block E, in combination with the improved permeability through the site and areas of public open spaces provides for a sufficient variety within the scheme.
- It enhances a sense of scale and enclosure having regard to the passive surveillance as a result of the design.
- Enhances legibility with additional pedestrian / cycle routes through the site with additional future connectivity provided to adjacent land.
- It positively contributes to the mix of uses – the non-residential uses will be available to the wider community and having regard to the existing unit mix in the area, which generally comprises traditional 2 and 3 bedroom houses, there is a sufficient mix of typology.

Scale of site/building:

- The Daylight and Sunlight Analysis and the Wind and Microclimate Study submitted demonstrate access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.

10.5.5. The Specific Assessments required to support the proposal referred to in Section 3.2 of the Guidelines include micro-climatic assessment, telecommunications, urban design statement, and relevant environmental assessments. These assessments have been carried out in the reports submitted by the applicant.

10.5.6. Having regard to my assessment above which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3 of the Building Height Guidelines.

10.5.7. Overall, it is my view that the form, massing and height of the blocks, the relationship between the blocks and the proposed open spaces results in a high quality and

coherent urban scheme that would have a positive impact on the consolidation of the urban environment and the visual amenities of this area. The concerns of the planning authority and third parties are noted. However, it is my opinion that having regard to the zoned and serviced nature of this site, its size and its proximity to public transport and services and amenities in the urban area that it is a suitable location for increased height without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact and represents a reasonable response to its context. While the blocks could have been of a more ambitious architectural design / style, I am satisfied that they would not negatively impact on the visual amenities of the area. The scheme would also support the redevelopment of this underutilised brownfield site and the consolidation of the urban area, which is welcomed.

10.6. ***Housing Tenure and Unit Mix***

Housing Tenure

- 10.6.1. Concerns are raised by third parties regarding the proposed Build to Rent nature of the scheme. It is considered that there is a demand for Build to Sell units and the proposed scheme would result in a transient population that would not enhance or support the local community.
- 10.6.2. Chapter 5 of the Apartments Guidelines notes that '*a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly great scale than at present*'. Therefore, the provision of a BTR development would deliver a higher volume of units for the private rental sector over a shorter timeframe. Having regard to government policy to provide more housing as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness additional housing units are welcomed.
- 10.6.3. Having regard to the site's urban location and proximity to employment centres, services and facilities and to public transport, it is my view that the proposed BTR scheme is appropriate in this instance as it would provide an additional housing tenure in the wider area, which is professionally managed and would support the provision of long-term residents. It is noted that the planning authority raised no objection to the proposed tenure.

- 10.6.4. SPPR 7(a) of the Apartment Guidelines requires the submission of a proposed covenant or legal agreement to ensure the scheme remains as a BTR for at least 15 years, this has been prepared and an appropriate condition should be attached.
- 10.6.5. It is proposed to provide 32 no. units (16 no. 1-bed and 16 no. 2-beds) Part V units in Block C. This equates to 10% of the proposed 321 no. units. It is noted that the Affordable Housing Act, 2021 requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. The applicants Statement of Consistency and Planning Report states that on the basis that the subject lands were purchased by the Applicant in July 2020, the 10% requirement continues to apply to the subject site. I have no objection to the proposed arrangements, and it is noted that no concerns are raised by the planning authority or the third parties in this regard.

Unit Mix

- 10.6.6. The Land Use and Activity Guiding Principle also requires that a range of housing typologies be provided to serve the existing and future population of the area. It further states that all character areas shall avoid the over-proliferation of any single housing typology. This is to ensure that the future development is sustainable and contains mixed communities. The proposed scheme includes 321 no. BRT apartments, the unit mix comprises 110 (34%) 1-bed units and 211 (66%) 2-bed units. The applicant acknowledges that the unit mix is not in accordance with the provisions of SDRA 19 and submitted a material contravention statement in this regard. The issue of material contravention is addressed below in Section 10.13.
- 10.6.7. The applicants Planning Report and Statement of Consistency notes that the provision of 1 and 2 bed units would meet the current demand in this area particularly having regard to the mixed-use context of the scheme and its proximity to local employment centres and public transport connections. It is also considered that the proposed scheme would contribute positively to the mix and variety of accommodation in the

area having regard to the prevalence of 3-bedroom houses and the limited provision of build to rent apartment in the wider area.

- 10.6.8. The planning authority consider that the unit mix premature pending a Housing Needs Demand Assessment for the SDRA which would form part of the masterplan. While it is acknowledged that the Housing Needs Demand Assessment for the SDRA has not been prepared and would be useful in ascertaining the appropriate unit mix for the site it is my view that the proposed unit mix is appropriate and acceptable in this instance, having regard to the existing housing stock in the area and to the provisions of SPPR 8(i) of the Apartment Guidelines which states that no restrictions apply on dwelling mix shall apply to BTR schemes.

10.7. ***Open Space***

- 10.7.1. SDRA 19 Guiding Principle 5 Green Infrastructure Strategy states that the green infrastructure and open space network forms a key structuring element to the SDRA framework. As such a Green Infrastructure Strategy must be prepared and agreed prior to any permission being lodged. To date a strategy in this respect has not been prepared or agreed with Dublin City Council. The applicant has submitted a material contravention in this regard and the issue of material contravention is addressed below in Section 10.13.

Public Open Space

- 10.7.2. The scheme includes c. 2,045 sqm of public open space which is wrapped around Block E with access from both Jamestown Road and the Finglas Business Centre. This equates to 12% of the total site area and is in excess of the development plan standard of 10% of the site area to be provided as public open space. The area of public open space comprises 2 elements which are interlinked. The first element is the Plaza which is located at the sites southern boundary between Block A and E and would be directly overlooked by the café at the ground floor level of Block A and the office use within Block E. The second element is The Street which links The Plaza area to Jamestown Road. This area is directly overlooked by the residential amenity spaces at ground floor level of Block D and the office use at the ground floor level of Block E. The public open space would be hard landscaped with areas of seating and

planting. I have no objection to the quantity or quality of the public open space. However, having regard to Policy CHC45 of the development plan if permission is being granted it is recommended that a condition be attached that a piece of public art be provided within the area of public open space to animate the public domain and aid with placemaking.

- 10.7.3. The proposed scheme also includes upgrade works along Jamestown Road. These works are welcome. The planning authority raised no objection in principle to the provision of public open space, however, it is noted that the public open space would not be taken in charge and suitable conditions are required to safeguard public access and use.

Communal Open Space

- 10.7.4. The development plan sets out communal open space standards which are reflective of the standards set out in the Apartment Guidelines which recommend 5sqm per 1-bed unit, 6sqm per 2-bed (3-person) and 7sqm per 2-bed (4 person) units. Therefore, there is a requirement for 2,017sqm of communal open space. The scheme includes 2,532sqm of communal open space, which is in excess of the standards. The majority of the communal open space (1,891sqm) is provided in a central area directly overlooked by Blocks, A, B, C and D. Access to the communal open space is available from the ground floor level of Blocks A, B, C and D and via controlled gates from the area of public open space and from the sites western boundary with the Finglas Business Centre.
- 10.7.5. The Landscape and Design Report notes that no play equipment has been provided within the area of communal open space, however, the space has been designed to encourage play. Section 16.10.1 Residential Quality Standards – Apartments of the development plan states that development proposals shall demonstrate that the communal open spaces consider the needs of children. In schemes of 100 or more apartments play areas of 200-400sqm for older children and young teenagers should be provided. It is my view that appropriate consideration has not been given to the level of play / recreational space required within a scheme of this scale. However, it is considered that this could be addressed by way of condition.

- 10.7.6. An additional 469sqm of communal open space is provided at the roof top terrace in Block D. This area incorporates seating and planting. The Landscape Design Report states that this area is proposed to be flexible with moveable furniture and open areas. I have no objection to the provision of a roof top terrace, however, it is recommended that a condition be attached to any grant of permission that the hours of operation of the roof terrace be limited to reduce the potential for noise disturbance for future and existing residents.
- 10.7.7. The scheme also incorporates an allotment area (168sqm) to the south of Block A at the sites boundary with the Finglas Business Centre internal access road. Having regard to the limited space provided and the proximity of the allotments to the private amenity space / balconies of ground floor units within Block A and to the Finglas Business Centre internal access road I have some concerns regarding the usability of this space for communal open space. It is my view that this space is incidental to the scheme and an allotment area would be more appropriately located within the central area of communal open space. However, it is considered that sufficient quantity and quality of communal open space has been provided within the scheme.

Private Open Space

- 10.7.8. In addition to the above, the Housing Quality Assessment indicates that all of the residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2020.
- 10.7.9. The planning authority raised concerns regarding the positioning of some balconies from bedrooms as opposed to living spaces. It is noted that in some instances balconies are accessed from bedrooms only and in other instances balconies are accessed from both living spaces and bedrooms with the balcony primarily located outside a bedroom. While I agree with the planning authority that to ensure high quality residential amenity for future occupants access to the private amenity space from the main living room is desirable. The submitted drawings indicated that the balconies in 11 no. 1-bed units in Block C and 15 no. 1-bed units in Block D (26 no. total) would be accessed from a bedroom only. Having regard to the limited number of units (8%) with balcony access from a bedroom and the 1-bed nature of these units it is my view

that this is acceptable in this instance and that adequate access to private amenity space has been provided. It is also my opinion that the position of the balconies has been considered in order to maximum daylight and sunlight access to the units.

Microclimate Assessment

- 10.7.10. The applicant submitted a Wind Microclimate Assessment which indicates that the proposed development would not expected to generate any unpleasant wind conditions around the site or around nearby existing buildings or public spaces. The assessment indicates that proposed areas of public and communal open space would be sheltered from wind and would have conditions suitable from the intended pedestrian activities.
- 10.7.11. The report also assessed the roof terrace at Block D and balconies at Blocks A, B and C. The assessment did not analysis the balconies in Block D, however, the report concludes that as the blocks are only c. 20m high the wind speeds at this height will not be significantly higher than the wind speeds at ground level. Therefore, all balconies are expected to have wind conditions which are suitable for sitting during the summer. Some of the more sheltered balconies will tend to have wind conditions suitable for sitting throughout the year.
- 10.7.12. With regard to the roof terrace at Block D the assessment indicates that having regard to the sheltered position of the terrace it is considered that it would be likely to be suitable for long term sitting in the summer months and for parts of spring and autumn.

Conclusion

- 10.7.13. Overall, I have no objection to the quantity and quality of open space. It is also noted that the submitted Daylight and Sunlight Assessment indicates that all areas of communal open space would be well lit and the Wind Microclimate Assessment indicates that the spaces would have conditions suitable for their intended pedestrian activity.

10.8. **Residential Amenity**

Overlooking and Overbearing Impact

- 10.8.1. The subject site is bound to the east by Jamestown Road and to the south and west by a private internal estate road which forms part of the Finglas Business Park. Having regard to the commercial nature of the surrounding uses to the north, south and west and the relatively limited scale and height of the buildings it is my opinion that the proposed scheme would not result in any undue overlooking or overbearing impact on existing properties. Figure 38A of SDRA 19 indicates that the current layout of the estate road would be retained at the sites boundary's. The proposed scheme incorporates an internal access road at its northern boundary with a minimum separation distance of c. 20m between Blocks C and D and the sites northern boundary. I am satisfied that the proposed layout would not unduly overlook or have an overbearing impact on any future development of lands to the north, south or west of the subject site.
- 10.8.2. To the east the subject site is bound by Jamestown Road. On the opposite side of the street are predominantly single storey dwellings with a limited number of 2-storey dwellings. Block E is a 5-storey commercial block with a maximum height of 20m. It is located c. 31m from the front elevation of no. 167 - 177 Jamestown Road, which are all single-storey. Block D is a 6-storey mixed use block with a maximum height of 21.2m. It is located a minimum of 31m from no. 179 – 193, which comprise a mix of single and 2-storey dwellings. Concerns are raised by third parties that the proposed development would have a negative impact on existing residential properties in terms of overlooking and overbearing impact. Having regard to the urban nature of the site, the relatively limited height of the scheme, with a maximum height of 21.2m, and the separation distances in excess of 33m from the front elevation of existing dwellings, it is my opinion that the proposed development would not have an overbearing impact or unduly overlook any properties to the east of the site.
- 10.8.3. Separation distances between the proposed blocks ranges from 5m to 32m. The 5m separation distance is proposed between Blocks A and B and Blocks B and C at the sites western boundary. There are directly opposing high level windows between these

blocks. Having regard to the design of these windows it is my opinion that they would not result in any undue overlooking. However, it is noted that the corner windows on the northern and southern elevations of Block B would directly overlook corner windows in Blocks A and B. The concern of undue overlooking relates to ground floor units A.G.01 and B.G.01 and all units above and between B.G.03 and C.G.01 and all units above. Blocks A, B and C have a similar layout at all levels and the unit number have not been provide for units above first floor level. If permission is being contemplated it is recommended that corner windows on the northern and southern elevation of Block B, Units B.G.01 and B.G.03 and all corresponding windows above be fitted with obscured glazing, louvers or an alternative appropriate screening. It is considered that this could be addressed by way of condition.

- 10.8.4. Overall, It is my opinion that the proposed separation distances between the blocks achieves a balance of protecting the residential amenities of future occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that proposed scheme would not result in undue overlooking or result in an overbearing impact between the blocks.

Daylight, Sunlight and Overshadowing

- 10.8.5. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of

that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- BRE Report "Site Layout Planning for Daylight and Sunlight";
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting; and
- EN17037:208 Daylight in Buildings

Internal Daylight and Sunlight

10.8.7. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of the structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

10.8.8. The layout of the proposed apartments provides for a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the K/L/D rooms. The assessment was carried out on all residential units at ground and first floor level (Blocks A -D). This is considered a representative sample within

each block. As the lower levels receive the least amount of daylight, due to their location, I am satisfied that these units represent the worst case scenario. The information provided indicates that 100% of the 85 no K/L/D rooms assessed have a minimum ADF of 2% and 100% of the 140 no. bedrooms assessed have a minimum ADF of 1%. Full details are provided in Section 6.6 of the applicants report. The information submitted indicates that the proposed units would be well lit.

- 10.8.9. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Section 6.4 of the applicants report provides a breakdown for the area of communal open space (courtyard 1), the area of public open space (courtyard 2) and the creche external play area and indicates that all amenity spaces would be in excess of the BRE Guidelines.

External Daylight and Sunlight

- 10.8.10. The Daylight and Sunlight report also assessed the potential impact of the development on no. 163A – 197 Jamestown Road and no. 1 and 2 Oakwood Road (21 no. dwellings) on the opposite side of Jamestown Road to the subject site.
- 10.8.11. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.
- 10.8.12. A breakdown of the results for each window assessed is provided in Section 6.1 of the applicants report. The information submitted indicates that the impact on 9 no. dwellings (no. 163A, 163, 165, 191, 193, 195, 197 Jamestown Road and no. 1 and 2 Oakwood Road) would be imperceptible.

- 10.8.13. The impact on 12 no. dwellings (no. 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189 Jamestown Road) is categorised as 'not significant' or slight. The information indicates that the development would have a similar impact on the windows assessed. The worst case scenario is indicated as window (a) in no. 173. The VSC for window (a) would be reduced from 34% to 23% which is 0.69 times its former value and the VSC for window. It is acknowledged that this is below the recommended guidance in the BRE and the concerns of the third parties regarding undue overshadowing are noted. However, consideration should be given to the fact that the comparison being made is between an existing, under-utilised site and the proposed development, which will inevitably have some form of an impact. It is my view that some flexibility regarding BRE standards should be applied to balance the objective of achieving urban regeneration and the need for housing on zoned and serviced lands in the urban area. Therefore, I consider the reduction in VSC to be acceptable in this instance.
- 10.8.14. The report also assessed the impact of the development on adjacent amenity spaces. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Table 6.7 of the assessment indicates that all adjacent amenity spaces would be in excess of the BRE Guidelines.
- 10.8.15. While it is acknowledged that the proposed development would be visible from adjacent properties. Having regard to the information submitted, which is robust and evidence based, it is my view that it would not result in any undue overshadowing of the adjacent properties. It is also noted that the planning authority raised no concerns regarding any potential overshadowing of adjacent properties.

Conclusion

- 10.8.16. As outlined above the proposed development does not achieve all of the standards set out in the BRE, with particular regard to the impact on VSC for some of the surrounding properties. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a

proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

10.8.17. It is my opinion that the form, massing and height of the blocks and the relationship between the blocks results in a high quality and coherent urban scheme that provides a clear hierarchy of streets and spaces. It is also considered that this development results in wider planning benefits, such as the delivery of a significant quantum of housing and the comprehensive redevelopment of an underutilised urban site which would support the consolidation of the urban environment and, therefore, the shortfall outlined above are considered acceptable in this instance.

10.9. ***Transportation***

10.9.1. The subject site is located c. 5.5km north of Dublin city centre in the Finglas Business Centre. There is an existing vehicular access from site directly onto Jamestown Road. However, this access is currently blocked up with concrete bollards. There is also an existing access to the Finglas Business Centre at the sites southern boundary. Jamestown Road is a heavily trafficked arterial road which provides a link between Finglas Village and St. Margaret's Road (Ballymun). There are a number of semi-detached properties with driveways directly opposite the site on Jamestown Road. There are footpaths on both sides of Jamestown Road. There is no dedicated cycle infrastructure in the vicinity of the site. However, Jamestown Road is identified as a secondary route in the NTA's Greater Dublin Area Cycle Network Plan.

10.9.2. The subject site is well served by public transport in the form of bus, with stops immediately adjacent to the site on both sides of Jamestown Road. Routes no. 9, 83 and 220 serve these stops. The no. 9 and no. 83 are a high frequency routes operating every 10 min in the peak periods. The no. 9 provides connectivity between Charlestown and Limekiln Avenue (Dublin 12) via the city centre and the no. 83 provides connectivity between Harristown and Kimmage via the city centre. The no. 220 operates every 55min and provides connectivity between Mulhuddart and DCU.

Under the proposed Bus Connects Jamestown Road would be served by local routes no. 23 and 24 which would operate at a 20 min frequency. The proposed Core Bus Corridor 4 would be located c. 1km from the subject site at Finglas Village and would operate at a 10 min frequency. The N6 orbital route with a stop at Finglas Village would provide a link between Finglas and Donaghmede and operate every 10 min.

- 10.9.3. In addition to the proposed Bus Connects routes, the emerging preferred route for Luas Finglas / Green Line Extension is located to the east of the subject site at Finglas Road with a proposed stop at Charlestown c. 850m north west of the site, a stop at Mellows Park c. 850m west of the site and a stop at Finglas Village c. 1km south of the site.
- 10.9.4. Concerns are raised by third parties that public transport infrastructure is indicative only and cannot be relied upon to support the development. Having regard to the above, it is my view that the subject site is currently well served by public transport in the form of bus and will most likely benefit from improved levels of public transport accessibility / public transport service provision and proximity to the emerging cycle network in the short to medium term.
- 10.9.5. The proposed scheme would be accessed from the sites northern boundary with Jamestown Road, via an existing access. The internal road provides access to the basement level and links to the sites western boundary. The proposed layout allows for future connectivity to an adjacent sites to the north and west. Third parties raised concerns that the surrounding road network does not have the capacity to accommodate the proposed development and that additional traffic would result in a hazard. Concerns were also raised that the re-opening of an existing gate onto Jamestown Road which would have serious impact on traffic flows and that the existing access to the Finglas Business Centre should be used.
- 10.9.6. The applicants TTA utilised the TRICS database to estimate the number of trips potentially generated by the scheme. Having regard to the limited number of car parking spaces proposed within the development it is estimated that the proposed development would generate 53 no. trips in the AM peak (15 no. arriving and 38 no. departing) and 53 no. in the PM peak (35 no. arriving and 18 no. departing). It is my

opinion that the trips represent a reasonable assumption. The TTA assessed the impact of the additional vehicular trips on 2 no. junctions (Jamestown Road / Poppintree Park Lane West / Mygan Park 4 arm roundabout and Jamestown Road / Sycamore Road 4-arm signalised junction) in the AM and PM peak for the baseline year (2019), the proposed Opening Year (2023) and Design Year +15 (2038). The results indicates that the vehicular movements generated by the proposed development would have a negligible impact on the surrounding road network.

- 10.9.7. The existing volumes of traffic and congestion on the surrounding road network, as outlined in Table 4.1 of the TTA and documented in a number of third party submissions, are noted. However, it is my view that the estimated traffic volumes are within the norm for a busy urban area and having regard to the sites zoning objective, its proximity to the Finglas village centre and to public transport in the form of bus and to the overall national, regional and local policy to consolidate the urban area, it is my view that the potential traffic generated by the proposed development is acceptable in this instance. It is noted that no concerns were raised by the planning authority or TII regarding the capacity of the road network and that no submissions were received from the NTA who were a consulted as part of the application.

Car Parking

- 10.9.8. Table 16.1 of the development plan sets out maximum car parking standards for a variety of uses throughout the city area. The table below provides a breakdown of the maximum car parking standards for Zone 3 (outer city) and the proposed quantum of car parking.

Use	Development Plan Standard	Requirement	Proposed
321 no. apartments	1.5 no. per unit	481.5 no. spaces	163 no. spaces plus 10 car club spaces
Office (2,438 sqm)	1 per 100sqm	24 no. spaces	7 no. spaces
Gym (450sqm)	1 per 100sqm	4.5 no. spaces	

Creche (290sqm)	N/A	N/A	4 no. spaces plus set down area
Café (195sqm)	1 per 150sqm	1 no. space	-
Retail (125sqm)	1 per 75sqm	2 no. spaces	-
Visitor	N/A	-	8 no. spaces
Total		513 no. spaces	192 no. spaces

10.9.9. The development plan allows for a maximum of 513 no. spaces. It is proposed to provide 192 no. spaces, which is below the maximum standard. The applicant's material contravention statement notes that this may be considered a material contravention of the development plan. The issue of a material contravention is addressed in section 10.13 below.

10.9.10. The proposed development provides a total of 192 no. car parking spaces. 163 no. residential spaces, 5 no car club spaces and 7 no. office spaces are provided at basement level. These spaces are accessed via a new internal access road from the sites northern boundary. The applicants TTA notes that future residents could request a car parking permit which would be managed by the management company to ensure the level of permits does not exceed the level of car parking spaces. It is also proposed to provide 12 no. motorbike spaces at basement level. An additional, 17 car parking spaces (8 no. visitor spaces, 4 no. crèche spaces, 5 no. car club spaces) are provided at surface level along at the internal access road at the sites northern boundary. The internal access road also incorporates a loading bay / set down outside the creche building, a refuse collection point and 2 no. drop off spaces adjacent to the residential amenity space / reception area at the entrance to the scheme.

10.9.11. Section 4.21 of the Apartment Guidelines states in suburban / urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Having regard to the site's location within the urban area, its proximity to a variety of public transport modes and proximity to centres of employment and a wide range of services and facilities it is my view, that the proposed level of car

parking is in accordance with the standards set out in the Apartment Guidelines. It is also noted that the standards set out in the development plan are maximum standards.

- 10.9.12. The guiding principle 6 Climate Change of SDRA 19 aims to promote sustainable development and encourage the transition to a low carbon future through a range of promoted measures which includes the cycling and walking. It is envisioned that the masterplan would provide a Mobility Management Plan for the overall lands which promote travel by sustainable modes and restrict through routes for private cars. It is my view that the proposed quantum of car parking is in accordance with the guiding principles of SDRA 19.
- 10.9.13. Guiding principle 6 Climate Change of SDRA 19 also notes that all private residential parking must be provided with electrical charging points. 10% of the private car parking spaces in the basement of the proposed development are provided with EV charging points with cabling provided to facilitate additional EV charging. The applicant considers that the proposed level of EV charging may be considered a material contravention. I am satisfied that sufficient EV charging point have been provided within the scheme and that the provision of ducting would all the installation of additional charging points at a later date, if required. The issue of material contravention is addressed below in Section 10.13.
- 10.9.14. Concerns are raised by third parties that the surrounding area already experiences parking congestion and that the proposed development would exacerbate the existing situation. The subject site is not located in an area that is subject to car parking restrictions, as indicated on Dublin City Councils parking zone map. It is noted that the majority of on-street car parking on the surrounding road network is unrestricted. It is my opinion that sufficient car parking, in accordance with the Apartment Guidelines, has been provided for the proposed development. Any concerns regarding haphazard overspill car parking on the surrounding road network is outside of the remit of this planning application and should be managed by the local authority through the introduction of restrictive measures on the surrounding public road, if required.

Cycle Parking

10.9.15. The development plan sets out a cycle parking standard of 1 no. space per residential unit. It is proposed to provide 680 no. basement level spaces for the residential units, which is significantly in excess of the development plan standard. The basement level spaces are stacked with a distance of c. 0.2m between the spaces. While I have no objection in principle to the provision of stacked spaces I have concerns that that insufficient space has been provided between the spaces to allow for efficient access and egress of the spaces. Notwithstanding this, having regard to the significant number of spaces proposed and the available area at surface level it is my view that there is sufficient space within the scheme to accommodate at least 1 no. space per residential unit. It is recommended that a condition be attached to any grant of permission that the final number and location of residential cycle parking space be agreed with the planning authority.

10.9.16. It is also a requirement of the development plan that 1 no. cycle parking space is provided per 150sqm of employment space in zone 3. Therefore, there is a requirement to provide 16 no. cycle parking spaces. It is proposed to provide 56 no. spaces at the basement level of Block E. These spaces are accessed via a ramp at the ground floor level of Block E. An additional, 18 no. internal cycle spaces / cargo bike spaces for the café and crèche use are provided at the ground floor levels of Blocks A and C. I have no objection to the quantum of cycle parking associated with the commercial use. The scheme also incorporates 66 no. public / visitor cycle parking spaces at surface level, throughout scheme. Overall, I have no objection to the proposed quantity or quality of the cycle parking spaces to serve the non-residential uses.

10.10. ***Water Services and Flood Risk***

10.10.1. The subject site is located within the urban area and the proposed scheme would connect to existing public infrastructure. The subject site is currently hard standing and surface water runoff from the site currently flows with no restrictions. During a

storm event this could contribute to an overflow in the combined public sewer and cause flooding in the area.

- 10.10.2. The proposed development is designed to outflow to a separate system with surface water flowing to a dedicated public surface water sewer located under Jamestown Road. The proposed development removes all surface water from the combined sewer. Therefore the proposed development improves capacity of the foul sewer.
- 10.10.3. SuDS features would be incorporated into the design of the scheme to reduce the discharge rates, this includes green roofs and permeable paving. All surface water, that does not percolate to ground, would fall by gravity into the attenuation tank at basement level. Due to site levels it is proposed to pump the water from the basement which would then flow by gravity to the public sewer on Jamestown Road. It is noted that some of the areas within the site are subject to pluvial flooding and a site specific flood risk assessment has been submitted.
- 10.10.4. The planning authority's Drainage Division raised some concerns regarding the management of surface water in particular that private surface water pipes are not permitted within the proposed taking-in-charge area, the proposed public road should not be discharging to a private drainage network and that each apartment block should be drained via an outfall manhole. It is my opinion that these concerns regarding surface water management could be addressed by way of condition.
- 10.10.5. The applicants Drainage infrastructure Report indicates that a new 225mm diameter foul water pipe would be installed on the site. Sewerage would flow by gravity to the existing public network on Jamestown Road. The submission from Irish Water states that there is capacity to facilitate a connection to the 1,000mm diameter sewer approx. 180m north of the site. However, as noted in the Confirmation of Feasibility, dated 8th February 2021, it is not currently feasible to determine if a connection can be accommodated to the 300mm sewer outside the development on Jamestown Road. Having regard to the submission from Irish Water it is noted that there is capacity in the public network to accommodate the proposed development. Final details of the connection should be agreed with Irish Water. It is my opinion that this could be agreed by way of condition.

- 10.10.6. The submission from Irish water notes that a connection to the existing water network is feasible subject to upgrades. The applicant Drainage Infrastructure Report states that it is proposed to replace an existing 6 inch uPVC water main with a 250mm ductile iron water main to connect to the existing public infrastructure to the north of the site.
- 10.10.7. With regard to the commercial element of the scheme the submission form Irish Water notes that on site storage for the average day peak week demand rate of the commercial section for 24-hour period. This separate storage is required to supply this demand and will have a re-fill time of 12 hours
- 10.10.8. Having regard to the information submitted and the submission from Irish Water, I am satisfied that there is sufficient capacity within the system to accommodate the proposed development and are no infrastructural aspects to the proposed development that present any conflicts.

Flood Risk

- 10.10.9. The OPW maps indicate that there is no record of historic flood on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding.
- 10.10.10. *Coastal Flooding:* The subject site is not proximate to the coast and is considered outside the tidal floodplain. There is no evidence of any recorded flood events at the subject site.
- 10.10.11. *Fluvial Flooding:* There are no waterbodies within the subject site. The Bachelors Stream is located c. 700m south west of the site. This stream flows in a southwards direction for c. 2.5 km before joining the River Tolka which ultimately discharges to the Tolka Estuary and Dublin Bay. There is no evidence of any recorded fluvial flood events on the subject site.
- 10.10.12. *Pluvial Flooding:* The OPW maps indicate that part of the site is susceptible to flooding during an extreme rainfall event. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation

of flood risk zones. Therefore, the subject site is considered to be Flood Zone C and a justification test is not required.

10.10.13. Figure 5 of the applicants FRA indicates that areas that are susceptible to flooding, which generally comprises the western side of the site. The OPW maps as indicated in Figure 6 of the applicants FRA show that potential flood depths are generally between 0.1m – 0.25m, with a maximum flood depth of 0.25m -0.5m. In order to mitigate flood risk to residential areas it is proposed to raise the levels of Block A, B and C above the predicted flood levels.

10.10.14. The existing site was not designed to cater for a 1:100 year storm event. The proposed site has been designed to cater for a 1:100 year storm event and an additional 20% to allow for climate change. This is achieved utilising SuDS measures to mitigate the risk of flooding, due to the 1:100 year flood event within the confines of the site. The inclusion of a flow control device, attenuation tank, green roofs and permeable paving are intended to reduce the risk of pluvial flooding by storing storm water on site and then releasing it into the public sewer. This will reduce the outflow rate from the development and make it less likely to contribute an overflow of the public system.

10.10.15. *Groundwater:* The site is not considered to be at risk from groundwater flooding.

10.10.16. Overall, having regard to the information submitted I am satisfied that the proposed arrangements would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.11. ***Telecommunication Infrastructure***

10.11.1. The proposed scheme incorporates telecommunications equipment at roof level of Block D. The infrastructure includes 6 no. 300mm microwave link dishes mounted on 3 no. 2m high steel support poles adjacent to the plant enclosure. The poles would be screened with radio friendly material. It is also proposed to provide 2 no. 2m high radio antenna mounted on 2 no. 2.3m long steel support poles mounted on 2 no. 300mm long standoffs. These would be attached to the stair core adjacent to the area of

communal open space. The applicant submitted a Telecommunications Report which states that the proposed infrastructure is to replace existing infrastructure that the proposed development would impact upon.

10.11.2. Section 16.33.1 Telecommunications Apparatus: Siting, Design and Visual Amenity of the development plan states that telecommunications antennae and supporting structures should preferably be located on industrial estates or on lands zoned for industrial/employment uses. Possible locations in commercial areas, such as rooftop locations on tall buildings, may also be acceptable, subject to visual amenity considerations. Section 16.33.2 of the development plan also states that applicants must satisfy the city council that they have made every reasonable effort to share with other operators.

10.11.3. The planning authority consider that the applicant has not submitted sufficient rationale or justification for the erection for telecommunications infrastructure on top of residential units. I agree with the concerns raised by the planning authority and consider that having regard to the prominent location of the proposed infrastructure, on top of a residential block (Block D) and immediately adjacent to residential properties on Jamestown Road, that it would have a negative impact on the visual amenities of the area and of the scheme. From the information submitted it would also appear that the applicant has not given any consideration to co-locating this infrastructure with existing operators in the area. As no adequate justification has been provided it is my opinion that if permission is being contemplated it is recommended that a condition be attached to omit the proposed telecommunications infrastructure.

10.12. ***Aviation***

10.12.1. The subject site is located c. 4km south west of Dublin Airport. The site is not within a public safety zone. However, the submission from the Dublin Airport Authority (DAA) states that due to the proximity of the proposal to the airport the operation of cranes during construction may cause concerns in relation to air safety, and at a minimum, this requires further detailed assessment in relation to flight procedures at Dublin Airport. I agree with the recommendation of the DAA that if permission is granted that a condition be attached that the applicant agree any proposals for crane operations

(whether mobile or tower crane) in advance of construction with DAA and with the Irish Aviation Authority.

10.13. **Material Contravention**

10.13.1. The applicant's Material Contravention Statement states that the proposed development could be considered to materially contravene SDRA 19 with regard to Land Use and Activity Mix, Masterplan, Density, Green Infrastructure Strategy and Climate Change and Section 16.7.2 – Height, Table 16.1 – Maximum Car Parking Standards and Section 16.10.1 – Residential Quality Standards with regard to the Mix of Residential Units and Apartment Floor Areas of the Dublin City Development Plan 2016 – 2022.

SDRA 19: Land Use and Activity Mix: Guiding Principle 2 Land Use and Activity of SDRA 19 states that lands within the Jamestown Character Area shall be developed at an approximate ratio of 70% employment/commercial and 30% residential. The proposed development includes a ratio of 13% employment/commercial uses and 87% residential uses and, therefore, does not comply with the provisions of SDRA 19.

SDRA Masterplan: SDRA 19 requires that a masterplan be prepared of the lands to ensure that development occurs in a sustainable and coherent manner which complies with the guiding principles, to be agreed with the Planning Authority, before the lodgement of any planning application. The subject application has been lodged prior to the completion of the masterplan and, therefore, is not in accordance with the provisions of SDRA 19.

SDRA 19 Density: Guiding Principle 2 Land Use and Activity of the SDRA states that net densities for residential plots will have a range of 80-100 units per hectare within the Jamestown character area. The proposed development has a density of c. 208 units per net hectare, which is in excess of the stated net densities and does not accord with the provisions of SDRA 19.

SDRA 19 Green Infrastructure Strategy: Guiding Principle 5 of the SDRA states that 'a Green Infrastructure Strategy must be prepared and agreed with DCC prior to any permission being lodged'. A strategy in this respect has yet to be prepared and agreed with Dublin City Council, therefore, it is not in accordance with SDRA 19.

SDRA 19 Climate Change: Guiding principle 6 Climate Change of SDRA 19 notes that all private residential parking must be provided with electrical charging points. 10% of the private car parking spaces in the basement of the proposed development are provided with EV charging points with cabling provided to facilitate additional EV charging. I am satisfied that sufficient EV charging points have been provided within the scheme and that the provision of ducting would allow the installation of additional charging points at a later date, if required. This is not considered to be a material contravention of SDRA 19.

Height (Section 16.7.2): Section 16.7.2 of the development plan sets out maximum building heights which restricts the height of a residential development in the outer-city to 16m for both commercial and residential developments. The scheme ranges in height from 5 storeys (c. 20m) to 6 storeys (c.21.1m), which is in excess of the development plan standard. However, there is a caveat in Section 16.7.2 (1) which states that planning applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA. Guiding Principle 3 Height of SDRA 19 states that in general building heights in the range of 4-6 storeys will be encouraged. Therefore, the proposed building heights are in accordance with the provisions of both Section 16.7.2 of the development plan and the guiding principle 3 Height of SDRA 19 and in my opinion is not a material contravention of the development plan.

Maximum Car Parking Standards (Table 16.1): Table 16.1 of the development plan sets out maximum car parking standard of 1 no. space per residential unit in Zone 3. Therefore, a maximum of 513 no. spaces are permissible. It is proposed to provide 192 no. spaces. The car parking standard is a maximum standard. Having regard to the site's urban location, its proximity to public transport and proximity to centres of employment and a wide range of services and facilities I am satisfied that an appropriate level of car parking has been provided within the scheme. The car parking standards in Table 16.1 do not relate to a policy of the plan, therefore, it is my opinion that the car parking provision is not a material contravention.

Mix of Residential Units (Section 16.10.1: Residential Quality Standards): Section 16.10.1 states that apartment developments shall contain a maximum of 25-30% one-bedroom units and minimum of 15% three- or more bedroom units. There is a caveat

in the development plan which states that the mix of unit types will not apply to managed 'build-to-let' apartment schemes for mobile workers where up to 42-50% of the total units may be in the form of one-bed or studio units. The proposed number of 1-bed units equates to c. 34% of the total number of units and, therefore, is in accordance with the provisions of the development plan. It is also noted that the mix of residential units does not relate to a policy of the plan, therefore, it is my opinion that it is not a material contravention.

Apartment Floor Areas (Section 16.10.1: Residential Quality Standards): Section 16.10.1 states that the minimum floor areas permissible are as per the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities. These are set out as minimum floor areas of 45sqm for 1-bed units and 73sqm for 2-bed units. The updated Apartment Guidelines also include a standard of 63sqm for a 2-bed (3-person) unit. Having regard to the wording of the plan it is my view that this is not a material contravention of the plan as the proposed units reach or exceed the standards set out in the Apartment Guidelines. It is also my opinion that the proposed floor areas are adequate to ensure a high quality standard of residential amenity for future occupants. It is also noted that the apartment floor areas do not relate to a policy of the plan.

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

Having regard to the above it is my opinion that the proposed development materially contravenes SDRA 19 of the Dublin City Development Plan with regard to Land Use and Activity Mix, Masterplan, Density and Green Infrastructure Strategy only.

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

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or

- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.13.4. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i), (iii) and (iv) are considered relevant in this instance.

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

The subject site has an area of c. 1.76ha and would deliver 321 no. residential units in the urban area. The site's urban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan (MASP), which is part of the Regional Spatial and Economic Strategy. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness and Housing for All – A New Housing Plan for Ireland. The site is also located in close proximity to public transport, employment hubs and a range of services and facilities within the city. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the success of national policy, in addressing both housing and homelessness in the City and consolidating the urban environment. The proposed material contraventions are, therefore, justified by reference to section 37(2)(b)(i) of the act.

10.13.6. **Section 37 (2) (b)(ii)**

SDRA: Masterplan and Green Infrastructure Strategy:

It is my opinion that the provision of a masterplan and a green infrastructure strategy are inextricably linked and, therefore, it is my view that these potential material contraventions can be addressed in tandem.

The applicants Material Contravention Statement considers that there are conflicting objectives in the development plan which justify non-compliance with the masterplan and Green Infrastructure Strategy requirements. The statement references policies SC29 and CEE16(i) as outlined below.

Policy SC29 'To discourage dereliction and to promote the appropriate sustainable re-development of vacant and brownfield lands, and to prioritise the re-development of sites identified in Dublin Inner City Vacant Land Study 2015'

Policy CEE16(i): 'To engage in the 'active land management' of vacant sites and properties including those owned by Dublin City Council, as set out in the Government's Planning Policy Statement 2015; to engage proactively with land-owners, potential developers and investors with the objective of encouraging the early and high quality re-development of such vacant sites'.

The subject site is on the vacant site register. Therefore, I agree that the requirement for the completion of a masterplan and green infrastructure plan to be completed prior to the lodgement of any planning applications would conflict with the above policies. It is my opinion that having regard to the zoned and serviced nature of this site, its size (1.76 ha) and its location on the periphery of the SDRA lands with frontage and direct vehicular access onto Jamestown Road, the existing block layout and road network within the Finglas Business Centre that the subject site could be appropriately developed without prejudicing the development of adjacent lands. The scheme would also support the redevelopment of this underutilised brownfield site and the consolidation of the urban area, which is welcomed. It is also noted that the applicant has endeavoured to comply with the indicative outline provided in variation 33 of the development plan.

It is my view that to refuse permission on the basis of non-compliance with the requirement to provide a masterplan and green infrastructure strategy for the overall SDRA lands would be contrary to the provisions of Policy SC29 to discourage dereliction and Policy CEE16(i) to engage in active land management of vacant sites. Therefore, it is my view that in accordance with Section 37(2)(b)(ii) it is open to the

Board to grant permission for the development as a material contravention of the Development Plan.

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

The proposed material contravention to the ***Land Use and Activity Mix*** provision is justified by reference to: -

- Objective 33 of the National Planning Framework to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- RPO 5.5 of the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 which recommends that the future residential development in the Dublin Metropolitan Area follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs.

The National Planning Framework sets out a range of objectives which it considers would support the creation of high-quality urban places. National Policy Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. It is a key principle of the Regional Spatial and Economic Strategy (RSES) to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in. The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Regional Policy Objective 5.5 states that future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

Having regard to the site's urban location, its size (1.76ha), its proximity to services and amenities, to public transport and to existing local infrastructure I am satisfied that it is a suitable site for residential development without giving rise to any significant

adverse impacts or prejudicing the redevelopment of adjacent land. I am also satisfied that this proposal is in accordance with the National Planning Framework objectives to deliver compact growth in urban areas and in accordance with the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 to encourage the consolidation of Dublin and suburbs, that in accordance with Section 37(2)(b)(iii) it is open to the Board to grant permission for the development as a material contravention of the Development Plan.

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

SDRA 19: Density

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

- Objective 35 of the National Planning Framework which supports increased residential densities at appropriate locations .
- RPO 5.4 and RPO 5.5 of the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 which encourage the provision of higher densities and the consolidation of Dublin and suburbs.

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high-quality urban places and increased residential densities in appropriate locations while improving quality of life and place. National Policy Objective 35 states that increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

The NPF further states that although sometimes necessary to safeguard against poor quality design, planning standards should be flexibly applied in response to well-designed development proposal. In particular, general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria

appropriate to general location, e.g. city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc. A more dynamic performance-based approach appropriate to urban location type will also enable the level of public transport service to improve as more development occurs and vice-versa.

The Regional Spatial and Economic Strategy (RSES) is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in. The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. Regional Policy Objective 5.4 states that future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'. Regional Policy Objective 5.5 states that future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

Having regard to the provisions of the National Planning Framework and the Regional Spatial and Economic Strategy and to the setting of this site with respect to public transport, its size (1.76ha), and in particular the local infrastructure I am satisfied that it is a suitable site for increased density without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact. I am satisfied that this proposal is in accordance with the National Planning Framework objectives to deliver compact growth in urban areas and in accordance with the Eastern and

Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 to encourage the provision of higher densities and the consolidation of Dublin and suburbs, that in accordance with Section 37(2)(b)(iii) it is open to the Board to grant permission for the development as a material contravention of the Development Plan.

10.13.9. **Section 37(2)(b)(iv)**

SDRA 19: Density:

Since the making of the Dublin City Development Plan 2016-2022 the Board granted permission in the vicinity of the site for the following schemes:

- ABP-310350-21 for 590 no. apartments and commercial uses in 4 no. Blocks ranging in height from 2 -10 storeys with a density of 188 units per ha at Charlestown Place, St. Margaret's Road, Charlestown c. 700m west of the subject site.
- ABP-310722-21 for 191 no. apartments in 3 blocks ranging in height from single storey to 6-storeys with a density of 155 units per ha at Finglas Road c. 1.5km south of the subject site.
- ABP-305538-19 for 129 no. apartments in 5 blocks ranging in height from 5-9 storeys with a density of 171 units per ha at Balbutcher Lane / St. Margaret's Road c. 1.2km east of the subject site.

It is noted that these sites are located outside the SDRA lands, however, they are located within the wider area and permission was granted since the making of the plan the proposed material contravention to the density outlined in SDRA 19 of the Dublin City Development Plan 2016 - 2022 is justified by reference to section 37(2)(b)(iv) of the act.

10.13.10. **Conclusion**

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to materially contravene SDRA 19 of the Dublin City Development Plan with regard to Land Use and Activity Mix, Masterplan, Density and Green Infrastructure Strategy

would be justified in this instance under sub sections (i), (ii), (iii) and (iv) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework, 2018, the Regional and Economic Strategy for the Midlands, and the Urban Development and Building Heights Guidelines

10.14. ***Chief Executives Recommendation***

10.14.1. The planning authority's report recommended that permission be refused for 3 no reasons.

Premature Pending the completion of a Masterplan

10.14.2. The planning authority consider that the proposed development would be premature pending the completion of the Masterplan for the Designated SDRA 19 lands as per Section 15.1.1.22 of the Dublin City Development Plan 2016 – 2022 (as varied) and that a grant of planning permission in this instance would set an undesirable precedent for the ad hoc and piecemeal development of Z14 'Strategic Development and Regeneration Areas' that could prejudice the future regeneration of such lands in accordance with national and regional policy objectives to target significant future growth (housing and employment) into brownfield lands within the M50 corridor and along public transport corridors.

It is noted that the planning authority are currently in the process of preparing a masterplan. However, having regard to the sites location on the periphery of the SDRA lands with frontage and direct vehicular access onto Jamestown Road, the existing block layout and road network within the Finglas Business Centre and the sites current status on the vacant site register it is my view that the subject site could be appropriately developed without prejudicing the development of adjacent lands, and, therefore, is not reliant on the adoption of a masterplan. It is also noted that the applicant has endeavoured to comply with the indicative outline provided in variation 33 of the development plan.

Design Approach

- 10.14.3. The planning authority consider that the proposed development by reason of the monolithic design of Blocks A, B, C and D, the excessive height of Block D, and excessive height and industrial design of Block E, does not successfully integrate with established residential development in the vicinity. The proposed development would, contrary to Section 3.2 of the Building Height Guidelines.
- 10.14.4. I agree with the planning authority that 4 no. blocks (A – D) have a similar design approach and while the blocks could have been of a more ambitious with regard to architectural design / style, it is my view that the proposed layout and orientation of the buildings provide an appropriate urban edge to both Jamestown Road and the Finglas Business Centre and that the high quality external materials (brick), change in colour of brick, the breaking up of the blocks (A, B and C) to reduce their mass and scale, the irregular shape of Block D and the differing architectural design approach to Block E, in combination with the improved permeability through the site and areas of public open spaces provides for a sufficient variety within the scheme and would accord with Guiding Principle 4 to enhance legibility and provide visual interest.
- 10.14.5. With regard to the concerns raised regarding the proposed height of the scheme and compliance with Section 3.2 of the Building Height guidelines it is my view that the form, massing and height of the blocks, the relationship between the blocks and the proposed open spaces results in a high quality and coherent urban scheme that would have a positive impact on the consolidation of the urban environment and the visual amenities of this area.
- 10.14.6. The concerns of the planning authority are noted. However, it is also noted that the height is in accordance with Guideline Principle 3 Height of SDRA 19 which allows for heights of 4-6 storeys. It is my opinion that having regard to the zoned and serviced nature of this site, its size (1.76 ha) and its proximity to public transport and services and amenities in the urban area that it is a suitable location for increased height without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact and represents a reasonable response to its context. I am satisfied that the proposed scheme would not negatively impact on the visual amenities of the

area. The scheme would also support the redevelopment of this underutilised brownfield site and the consolidation of the urban area, which is welcomed.

Residential Amenity

10.14.7. The planning authority considered that the supporting communal amenities proposed in this scheme are seriously substandard both in quality and quantity and that the applicant failed to demonstrate to the satisfaction of the planning authority that the future occupants of the scheme would enjoy an enhanced standard of amenity. I agree with the concerns raised by the planning authority and consider that the proposed level of internal residential amenity space is insufficient in quantity and quality. However, it is my view that this concern could be addressed by way of condition to omit the apartments at the ground floor level of Block B and provide additional residential amenity space.

11.0 **Environmental Impact Assessment**

11.1. The applicant submitted an Environmental Impact Assessment Screening Report and a Statement in Accordance with Article 299(1)(b)(ii)(II)(c). I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 11.3. It is proposed to construct a 321 no. residential units and c. 4,497 sqm of commercial uses on a site with a stated area of c. 1.76ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There are limited excavation works proposed to construct the basement level. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dublin City County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.
- 11.4. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Sections 3, 4 and 5 of the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.
- 11.5. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject

to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Architectural Design Statement
- Statement of Consistency and Planning Report
- Response to An Bord Pleanála Opinion
- Ecological Statement
- Appropriate Assessment Screening Report
- Environmental Impact Assessment Screening Report
- Article 299B Statement
- Air Quality Impact Assessment
- Inward Noise Impact Assessment
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Telecommunications Report
- Wind Microclimate Assessment
- Drainage Infrastructure Report
- Flood Risk Assessment
- Site Specific Outline Construction and Environmental Management Plan
- Site Specific Construction and Demolition Waste and By-Product Management Plan
- Operational Waste Management Plan
- Waste Classification Report
- Sustainability Energy Statement

11.6. With regard to the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant submitted a standalone 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 would note that the following assessments / reports have been taken into account: -

- Appropriate Assessment Screening Report, the Ecological Assessment and the Bat Survey have had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- The Hydrological and Hydrogeological Qualitative Risk Assessment have had regard to the Water Framework Directive (WFD) (Directive 2000/60/EC).
- The Site-Specific Flood Risk Assessment (FRA) which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the Dublin City Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).
- The Air Quality Impact Assessment, the Site-Specific Outline Construction and Environmental Management Plan and the Traffic and Transport Assessment have had regard to the Clean Air for Europe (CAFÉ) Directive 2008/50/EC.
- The Statement of Consistency and the Material Contravention Statement have had regard to the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) and to the SEA carried out for the Dublin City Development Plan 2016 – 2022.
- The Site-Specific Construction and Demolition Waste and By-Product Management Plan was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021.
- The Inward Noise Impact Assessment had regard to the Dublin Agglomeration Environmental Noise Action Plan December 2018 - November 2023 Volume 1: Dublin City Council.
- It is noted that the proposed development is not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under the Seveso Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU.

11.7. The applicant's report considered the implications and interactions between these assessments and the proposed development, and the report states that the development is not considered to have likely significant effects on the environment. I

am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

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

12.0 **Appropriate Assessment**

12.1. ***Introduction***

- 12.1.1. The applicant has prepared an AA Screening Report as part of the application. 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.

12.2. ***Compliance with Article 6(3) of the Habitats Directive***

- 12.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in

combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. 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).

The applicant has submitted a Screening Report for Appropriate Assessment prepared by Enviroguide Consulting. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that on the basis of objective scientific information, the possibility may be excluded that the Proposed Development will have any significant effect any European Site.

12.2.2. 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.

12.3. ***Stage 1 AA Screening***

12.3.1. 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.

12.4. ***Brief Description of the Development***

12.4.1. A description of the project is provided in Section 3.2 of the Screening Report. The proposed development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction of 321 no. Build to Rent apartments

and 4,497sqm of commercial uses in 5 no. blocks ranging in height from 3 storeys over basement to 6 storeys over basement on a c. 1.76 ha site on Jamestown Road, Finglas c. 5.5km north of Dublin city centre. The surrounding area is urban in nature with a mix of residential, commercial and retail uses in the immediate vicinity of the site. The site is serviced by public water supply and foul drainage networks. Foul effluent and surface water will drain to the existing combined public sewer on Jamestown Road to the east of the site. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site is currently vacant with areas of hardstanding. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

12.5. ***Submissions and Observations***

- 12.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. As outlined above, concerns were raised by a third party that the Screening for AA is insufficient and not based on appropriate scientific expertise. The Board does not have sufficient and / or adequate information to carry out a complete AA Screening.

12.6. ***Zone of Influence***

- 12.6.1. The proposed development is not located within or immediately adjacent to any European Site. Concerns are raised by a third party that the Zone of Influence has not been reasoned or explained. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

12.6.2. Table 3 of the applicant's report considers that the following 15 no. European Sites are within the Zone of Interest.

North Dublin Bay (000206) 8.4km from the subject site	
<i>Conservation Objective</i>	- 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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395].
South Dublin Bay (000210) 8.6km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]

Malahide Estuary SAC (000205) 9.9km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by sea-water at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
Baldoyle Bay SAC (000199) 10km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
Rogerstown Estuary SAC (000208) 13km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Howth Head SAC (000202) 13.2km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Rye Water Valley / Carton SAC (001398) 13.4km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
Rockabill to Dalkey Island SAC (003000) 14km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]
Ireland's Eye SAC (002193) 15km from the subject site	
<i>Conservation Objective</i>	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.
<i>Qualifying Interests/Species</i>	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

<i>of Conservation Interest</i>	
South Dublin Bay and River Tolka Estuary SPA (004024) 6km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
North Bull Island SPA (004006) 8.4km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>

	<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>
<i>Malahide Estuary SPA (004025) 10km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Pintail (<i>Anas acuta</i>) [A054] Goldeneye (<i>Bucephala clangula</i>) [A067] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]</p>
<i>Badoyle Bay SPA (004016) 10.5km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species</i>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>

<i>of Conservation Interest:</i>	Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]
<i>Rogerstown Estuary SPA (004015) 13.5km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]
<i>Irelands Eye SPA (004114) 14.6km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200]

12.6.3. The proposed development has no potential source pathway receptor connections to any other European Sites.

12.6.4. Table 4 of the applicants Assessment provides an assessment of potential impact pathways using the Source-pathway-Receptor method. I agree with the findings of the report and consider that the designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP, and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

12.6.5. I am also satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

12.7. ***Screening Assessment***

12.7.1. The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are outlined in the table above.

12.8. ***Consideration of Impacts***

12.8.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

12.8.2. Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites in Dublin Bay are between 6km and 8km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay via the Bachelors Stream c. 700m east of the subject site which flows to the River Tolka, c.

2km south of the subject site. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- 12.8.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area, which was previously in commercial use. The proposal includes SuDS / attenuation measures which will restrict surface water run-off into the public sewer on Jamestown Road. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.
- 12.8.4. The foul discharge from the proposed development would drain, via the public sewer on Jamestown Road, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.
- 12.8.5. The submission from Inland Fisheries Ireland states that Ringsend WWTP is currently working at or beyond its design capacity and will not be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

- 12.8.6. The subject site is identified for development through the land use policies of the Dublin City Development Plan 2016-2022. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 321 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.
- 12.8.7. The applicants Hydrological and Hydrogeological Qualitative Risk Assessment notes that even without the upgrade of Ringsend WWTP, the peak effluent discharge calculated for the proposed development (13.64 litres/sec) would equate to 0.12% of the licensed discharge. While the concerns of Inland Fisheries Ireland are noted it is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.
- 12.8.8. The Site Specific Outline Construction and Environmental Management Plan, the Site Specific Construction and Demolition Waste and By-Product Management Plan and the Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.
- 12.8.9. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site,

the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

12.8.10. A third party raised concerns in relation to bird flight paths and potential for collisions. No significant flight paths related to protected birds have been identified in this area and the third party has submitted no evidence in relation to existence of flight paths. There is no reason to believe a bird would not fly over or around the proposed structures.

12.8.11. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

12.9. ***AA Screening Conclusion***

12.9.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

12.9.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development,

individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

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

14.0 Reasons and Considerations

Having regard to

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

- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

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

15.0 **Recommended Order**

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of January 2022 by John Spain Consultants, on behalf of Jamestown Village Limited.

Proposed Development: The proposed development comprises the demolition of existing ESB substation and boundary treatments and the construction of a mixed use development across 5 no. blocks providing 321 no. Build to Rent apartments (110 no. 1-bed and 211 no. 2-beds) and c. 4,497 sqm of commercial uses and ranging in height from 5 – 6 storeys. The scheme includes c. 2,045 sqm of public open space, c. 1,891 sqm of communal open space in a landscaped garden courtyard and an additional c. 168 sqm of communal open space at residents' allotments at the southern elevation of Block A. A total of c. 1,049.2 sqm of residential support facilities in the form of laundry, management suite, reception, WCs, bin and bike storage are also provided.

Access is proposed from Jamestown Road at the northeast corner of the site. The scheme includes 17 no. surface car parking spaces, 175 no. basement level car parking spaces and 12 no. motorbike parking spaces. A total of 907 no. bicycle parking spaces are provided.

The works include all circulation and ancillary uses, associated infrastructure and enabling works associated with the development, green/blue roofs, telecommunications equipment (radio antennas and microwave link dishes at Block D roof level) landscaping, pedestrian access, set down area at southern perimeter, boundary treatments and ESB substation at northern perimeter.

Decision:

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

Matters Considered

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

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dublin City Development Plan 2016 - 2022
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;

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

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

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment

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

Environmental Impact Assessment

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

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands zoned Z14 in the Dublin City Development Plan 2016-2022 with the associated land use objective 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003).
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Flood Risk Assessment, Appropriate Assessment Screening Report, Air Quality Impact Assessment, Inward Noise Impact Assessment, Hydrological and Hydrogeological Qualitative Risk Assessment , Site Specific Outline Construction and Environmental Management Plan, Site Specific Construction and Demolition Waste and By-Product Management Plan, Operational Waste Management Plan and Waste Classification Report

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from the parameters of SDRA 19 of the Dublin City Development Plan 2016-2022 with regard to Land Use and Activity Mix, Masterplan, Density and Green Infrastructure Strategy, broadly compliant with the provisions of the Dublin City Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene SDRA 19 of Dublin City Development Plan 2016-2022 as outlined below: -

SDRA 19: Land Use and Activity Mix: Guiding Principle 2 Land Use and Activity of SDRA 19 states that lands within the Jamestown Character Area shall be developed at an approximate ratio of 70% employment/commercial and 30% residential. The proposed development includes a ratio of 13% employment/commercial uses and 87% residential uses and, therefore, does not comply with the provisions of SDRA 19.

SDRA Masterplan: SDRA 19 requires that a masterplan be prepared of the lands to ensure that development occurs in a sustainable and coherent manner which complies with the guiding principles, to be agreed with the Planning Authority, before the lodgement of any planning application. The subject application has been lodged prior to the completion of the masterplan and, therefore, is not in accordance with the provisions of SDRA 19.

SDRA 19 Density: Guiding Principle 2 Land Use and Activity of the SDRA states that net densities for residential plots will have a range of 80-100 units per hectare within the Jamestown character area. The proposed development has a density of c. 208 units per net hectare, which is in excess of the stated net densities and does not accord with the provisions of SDRA 19.

SDRA 19 Green Infrastructure Strategy: Guiding Principle 5 of the SDRA states that '*a Green Infrastructure Strategy must be prepared and agreed with DCC prior to any permission being lodged*'. A strategy in this respect has yet to be prepared and agreed with Dublin City Council, therefore, it is not in accordance with SDRA 19.

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

- The subject site has an area of c. 1.76ha and would deliver 321 no. residential units in the urban area. The site's urban location supports the consolidation of the urban environment as outlined in within the Metropolitan Area Strategic Plan (MASP), which is part of the Regional Spatial and Economic Strategy. The provision of a significant quantum of residential units is also in accordance with the government policy as set out in Rebuilding Ireland – Action Plan for Housing

and Homelessness and Housing for All – A New Housing Plan for Ireland. The site is also located in close proximity to public transport, employment hubs and a range of services and facilities within the city. It is, therefore, considered that this scheme is strategic by reason of its location and scale, and is critical and integral to the success of national policy, in addressing both housing and homelessness in the City and consolidating the urban environment.

The Board considers that, having regard to the provisions of section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention SDRA 19 of the Dublin City Development Plan 2016-2022 with regard to the provision of a **Masterplan and a Green Infrastructure Strategy** would be justified for the following reasons and considerations:

- The subject site is on the vacant site register. It is considered that the requirement for the completion of a masterplan and green infrastructure plan to be completed prior to the lodgement of any planning applications would conflict with Policy SC29 to discourage dereliction and Policy CEE16(i) to engage in active land management of vacant sites.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of SDRA 19 of the Dublin City Development Plan 2016-2022 with regard to **Land Use and Activity Mix** would be justified for the following reasons and considerations:

- Objective 33 of the National Planning Framework to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- RPO 5.5 of the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 which recommends that the future residential development in the Dublin Metropolitan Area follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs.

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of SDRA 19 of the Dublin City Development Plan 2016-2022 with regard to **Density** would be justified for the following reasons and considerations:

- Objective 35 of the National Planning Framework which supports increased residential densities at appropriate locations .
- RPO 5.4 and RPO 5.5 of the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 which encourage the provision of higher densities and the consolidation of Dublin and suburbs.

The Board considers that, having regard to the provisions of section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of SDRA 19 of the Dublin City Development Plan 2016-2022 with regard to **Density** would be justified for the following reasons and considerations:

- Since the making of the Dublin City Development Plan 2016- 2022 the Board granted permission under ABP-310350-21 for 590 no. apartments and commercial uses in 4 no. Blocks ranging in height from 2 -10 storeys with a density of 188 units per ha at Charlestown Place, St. Margaret’s Road, Charlestown c. 700m west of the subject site; ABP-310722-21 for 191 no. apartments in 3 blocks ranging in height from single storey to 6-storeys with a density of 155 units per ha at Finglas Road c. 1.5km south of the subject site; and ABP-305538-19 for 129 no. apartments in 5 blocks ranging in height from 5-9 storeys with a density of 171 units per ha at Balbutcher Lane / St. Margaret’s Road c. 1.2km east of the subject site.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i), (ii), (iii) and (iv) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms

of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows: -
 - (a) All 7 no. units (B.G.01, B.G.02, B.G.03, B.G.04, B.G.05, B.G.06 and B.G.07) at the ground floor level of Block B, shall be permanently omitted and replaced with internal residential amenity space. The details of the proposed mix of uses and facilities provided within this internal amenity space shall be agreed with the planning authority.
 - (b) The 5 no. corner windows on the northern elevation of Block B and the 5 no. corner windows on the southern elevation of Block B, at first to fifth floor level, shall be fitted with obscured glazing, louvers or an alternative appropriate screening. In the interest of clarity this relates to unnumbered units above ground floor units B.G.01 and B.G.03.
 - (c) The proposed telecommunications infrastructure on the roof level of Block D shall be permanently omitted.

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

Reason: In the interest of privacy and residential amenity

3. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity

4. a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access

(b) Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new pedestrian routes, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

Reason: In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.

5. (a) Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority final details of the number and location of cycle parking spaces within the scheme. Bicycle parking spaces shall be secure, sheltered and conveniently located.

(b) electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed with the planning authority prior to the occupation of the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and residential amenity

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

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

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

Reason: In the interests of orderly development and clarity.

8. 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 and to ensure an appropriate high standard of development.

9. The hours of operation of the roof terrace at Block D shall be 07.00 to 22.00 Monday to Sunday, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interest of residential amenity.

10. Prior to commencement of the development, details of all areas of boundary treatment, play equipment and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of public communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

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

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

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

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

13. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

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

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

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

Reason: In the interests of amenity and public safety.

16. 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.

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

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

18. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

20. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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

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

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

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

24. 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

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

Reason: In the interest of public health

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

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

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to

apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

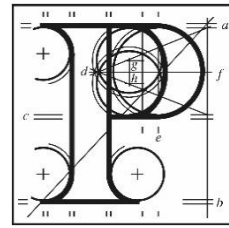
28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Elaine Power

Senior Planning Inspector

25th July 2022



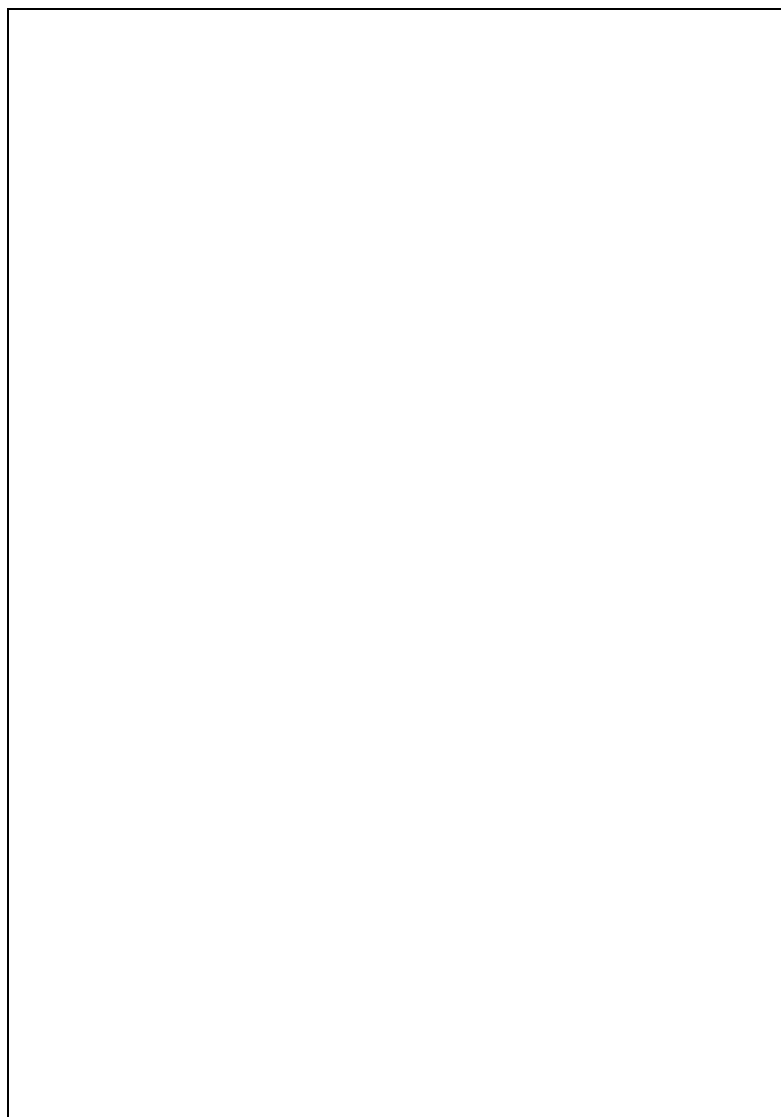
**An
Bord
Pleanála**

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-312568-22
Development Summary		Demolition of ESB substation and boundary treatments and the construction of 321 no. Build to Rent Units, 2,438 sqm of office space, a creche and all associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>Appropriate Assessment Screening Report, the Ecological Assessment and the Bat Survey have had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).</p> <p>The Hydrological and Hydrogeological Qualitative Risk Assessment have had regard to the Water Framework Directive (WFD) (Directive 2000/60/EC).</p> <p>The Site-Specific Flood Risk Assessment (FRA) which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the</p>



Dublin City Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).

The Air Quality Impact Assessment, the Site-Specific Outline Construction and Environmental Management Plan and the Traffic and Transport Assessment have had regard to the Clean Air for Europe (CAFÉ) Directive 2008/50/EC.

The Statement of Consistency and the Material Contravention Statement have had regard to the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) and to the SEA carried out for the Dublin City Development Plan 2016 – 2022.

The Site-Specific Construction and Demolition Waste and By-Product Management Plan was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021.

The Inward Noise Impact Assessment had regard to the Dublin Agglomeration Environmental Noise Action Plan December 2018 - November 2023 Volume 1: Dublin City Council.

It is noted that the proposed development is not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under the

	Seveso Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of residential units and commercial uses on lands zoned for residential and commercial development. From an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located within the urban area. It is intended to provide a basement level. It is considered that this issue is minor in nature.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. Redevelopment of this urban site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts</p>	<p>No</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>No</p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development</p>	<p>No</p>

<p>2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No such features arise in this urban location</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>No such features arise in this urban location. The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of bus. 192 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	No. The development would not be likely to generate additional demands on educational facilities in the area.	No
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands zoned Z14 in the Dublin City Development Plan 2016-2022 with the associated land use objective ‘to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and ‘Z6’ would be the predominant uses’. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Flood Risk Assessment, Appropriate Assessment Screening Report, Air Quality Impact Assessment, Inward Noise Impact

Assessment, Hydrological and Hydrogeological Qualitative Risk Assessment , Site Specific Outline Construction and Environmental Management Plan, Site Specific Construction and Demolition Waste and By-Product Management Plan, Operational Waste Management Plan and Waste Classification Report

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

Inspector: Elaine Power

Date: 25th July 2022