



An
Bord
Pleanála

Inspector's Addendum Report ABP-313125-22

Strategic Housing Development (SHD)	Demolition of existing buildings, construction of 593 no. student bedspaces and associated site works.
Location	Shanowen Business Centre and Kaybee House, Shanowen Road, Santry, Dublin 9. (www.NestSHD.ie)
Planning Authority	Dublin City Council
Applicant	Ravenshire Ltd
Prescribed Bodies	<ol style="list-style-type: none">1. Dublin Airport Authority2. Inland Fisheries Ireland3. Transport Infrastructure Ireland
Observers	15 no. as per the Inspector's report
Date of Site Inspection	4 th November 2024
Inspector	Irené McCormack

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1.0 Introduction

- 1.1.1. This Addendum Report should be read in conjunction with the Inspector's report on file dated 29th September 2022.
- 1.1.2. Board Direction BD-017236-24 dated 14th August 2024 contains the Board's direction in relation to this addendum report. It states as follows;

'The Board decided to defer this case for consideration at a further Board meeting and also to seek an update from Inspectorate, providing an assessment of the proposed development by reference to the current statutory development plan and any relevant updated Guidance'.

- 1.1.3. I address these issues in the following sections.

2.0 Planning History (Update)

Site

ABP 320451-24 / DCC RZLT 000221 - RZLT - The lands identified as RZLT-000221 (Parcel ID number Parcel ID number DCC000060872 located on Z1 Sustainable Residential Neighbourhoods zoned lands identified within the current Dublin City Development Plan are considered in scope of Section 653B of the Taxes Consolidation Act 1997, as amended.

Adjoining (Recent)

None

3.0 Policy

Dublin City Development Plan 2022-2028

- 3.1.1 Since the Inspector's report of 29th September 2022, the Dublin City Development Plan (DCCDP) 2022-2028 came into effect on 14th December 2022¹. The 'Statement of Consistency' and 'Material Contravention Statement' submitted with the application refer to the DCCDP 2016-2022 as this was the statutory plan in place at the time the

¹ Having been adopted on 2nd November 2022.

application was made². The Material Contravention Statement set out the justification for the proposed development in relation to matters of (1) Building Height, (2) Car Parking, (3) Public Open Space, (4) Site Coverage, (5) Unit Floor Area with regard to the policies and objectives of the DCCDP 2016-2022.

This addendum report considers the statutory plan currently in place i.e. the DCCDP 2022-2028 which has superseded the Plan referenced in the application documentation.

- 3.1.2 Under the current DCCDP the application site is located on lands identified Sustainable Residential Neighbourhoods – Zone Z1 with a zoning Objective Z1: *To protect, provide and improve residential amenities*. Student Accommodation is ‘Open for Consideration’ within this zoning matrix.

Section 14.7.1 states these areas ‘are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services. The objective is to ensure that adequate public transport, in conjunction with enhanced pedestrian and cycling infrastructure, provides such residential communities good access to employment, the city centre and the key urban villages in order to align with the principles of the 15-minute city’.

Chapter 5: Quality Housing and Sustainable Neighbourhoods, sets out policies and objectives for residential development, making good neighbourhoods and standards.

- 3.1.3 Chapter 5 also includes details on the 15-Minutes City and the following is relevant: Policy QHSN11 - 15-Minute City ‘To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible.’

- 3.1.4 Policy QHSN44 Build to Rent/Student Accommodation/Co-living Development -seeks to avoid the proliferation and concentration of clusters in any area of the city.

Policy QHSN45 states ‘Third-Level Student Accommodation -To support the provision

² A ‘Statement of Compliance with Draft Dublin City Development Plan 2022-2028’ was also submitted with the application.

of high-quality, professionally managed and purpose-built third-level student accommodation in line with the provisions of the National Student Accommodation Strategy (2017), on campuses or in appropriate locations close to the main campus or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy. Proposals for student accommodation shall comply with the 'Guidelines for Student Accommodation' contained in the development standards chapter. There will be a presumption against allowing any student accommodation development to be converted to any other use during term time.'

3.1.5 Other relevant sections of the Plan include:

- section 4.5.3 (Urban Density) – Policies SC10-SC12,
- section 4.5.4 (Increased Height as Part of the Urban Form and Spatial Structure of Dublin) – Policies SC14-SC18,
- section 4.5.5 (Urban Design and Architecture) – Policies SC19-SC21.
- section 7.5.8 Public Realm – Policy CCUV44 - *New Development- That development proposals should deliver a high quality public realm which is well designed, clutter-free, with use of high quality and durable materials and green infrastructure. New development should create linkages and connections and improve accessibility.*
- chapter 8 Sustainable Movement and Transport including section 8.5.2 Effective Integration of Land use and Transportation, section 8.5.3 Public Realm, Place Making and Healthy Streets, SMT22 -Key Sustainable Transport Projects, section 8.5.7 Car Parking, section 8.5.8 Street/Road, Bridge and Tunnel Infrastructure – Objective SMT027 -Road, Street and Bridge Schemes.
- chapter 9 Sustainable Environmental Infrastructure and Flood Risk including section 9.5.4 Surface Water Management and Sustainable Drainage Systems (SuDS), SI23- *Green Blue Roofs -To require all new developments with roof areas in excess of 100 sq. metres to provide for a green blue roof designed in accordance with the requirements of Dublin City Council's Green & Blue Roof Guide (2021) which is summarised in Appendix 11*, SI22-SI25 (Surface Water Management Plan) and SI26, section 9.5.11 Digital Connectivity Infrastructure, SI148 -Sharing and co-location.

- section 10.5.4 (Parks and Open Spaces) – Policy GI26,
 - section 12.5.3 (Supporting Cultural Vibrancy in the City) – Policy CUO25,
- chapter 14 (Land-use Zoning) and chapter 15 (Development Standards), including Table 15-1: Thresholds for Planning Applications, 15.8.7 Financial Contributions in Lieu of Open Space, Standards for student accommodation are provided in Section 15.13 of the development plan.

3.1.6 Volume 2 – Appendices – Appendix 1 Housing Strategy, Appendix 3 (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) and Appendix 5 (Transport and Mobility: Technical Requirements).

Table 1: Density Ranges

Location	Net Density Range (units per ha)
City Centre and Canal Belt	100-250
SDRA	100-250
SDZ/LAP	As per SDZ Planning Scheme/LAP
Key Urban Village	60-150
Former Z6	100-150
Outer Suburbs	60-120

Table 2: Indicative Plot Ratio and Site Coverage

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

Car parking provision is provided in Table 2 of Appendix 5. The subject site is located within Parking Zone 2 as indicated on Map J of the Dublin City Development Plan 2022 – 2028 and Table 2 provides the ‘Maximum Car Parking Standards for Various Land Uses’.

The Development Plan also states: 'A relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:

- Locational suitability and advantages of the site Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development.
- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.'

Appendix 11- Technical Summary of Green & Blue Roof Guide.

The extent of roof area which provides growing medium for vegetation must meet the following coverage requirements as a percentage of total roof area.

Table 1: Green Blue Roof Minimum Coverage

Type of green roof	Minimum coverage (% of total roof area being developed)
Extensive	70%
Intensive	50%

The percentage coverage is considered to make a reasonable allowance for the provision of overruns, roof lights, fire breaks, service penetrations and hard landscape.

Appendix 16 Sunlight and Day Light. The Plan notes that there is a lack of clarity in Ireland over the standards and guidance documents that are applicable to daylight and sunlight assessments. There are four key documents that relate to this topic –

1. BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition)
2. BS 8206-2:2008 – Lighting for Buildings, Part 2: Code of Practice for

Daylighting

3. BS EN 17037:2018 – Daylight in Buildings.

National Policy - Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments (December 2020). Both documents refer to BR 209 and BS 8206-2. Neither document refers to BS EN 17037 or IS EN 17037.

- 3.1.7 While the policies and objectives broadly align with those contained in the DCCDP 2016-2022 as they relate to the proposed development there are issues that need to be addressed for clarity and with reference to relevant updated guidance. The Board will note that this is an addendum report and should be read in conjunction with the Inspector's report dated 29th September 2022.

3.2 Section 28 Guidelines

Since the Inspector's report of 29th September 2022 the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and Sustainable Urban Housing: Design Standards for New Apartments (July 2023).

3.2.2 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

- I draw the Boards attention to Section 3.0 Settlement, Place and Density of the Sustainable Compact Settlements Guidelines for Planning Authorities (2024) which set out that it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied at 'City – Urban Neighbourhoods' highly accessible urban locations with good access to employment, education and institutional uses and public transport as defined in Table 3.8.

Table 3.8 defines 'High-Capacity Public Transport Node or Interchange' as lands within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor'.

Student Accommodation is referenced once only in the Guidelines in a footnote (Pg 18) which states that 'when calculating net densities for shared accommodation, such as student housing, four bed spaces shall be the equivalent of one dwelling'.

- Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels and establishes 'key indicators of quality design and placemaking'

3.2.3 Sustainable Urban Housing: Design Standards for New Apartments (July 2023).

- Section 2.21 sets out that the mix parameters set out in SPPR 1 that generally apply to apartments, do not apply to purpose-built student accommodation or to certain social housing schemes, such as sheltered housing. Development Plans may specify appropriate standards for student accommodation.
- Section 3.5 sets out that the floor area parameters set out in SPPR 3 shall generally apply to apartment schemes and do not apply to purpose-built and managed student housing. The Board will note that this is consistent with the Apartment Guidelines 2020 and 2022 updates.
- Section 5.13 sets out that these Guidelines do not apply to established forms of accommodation with a shared or communal element, including hotels, aparthotels, hostels, student accommodation or house or flat share arrangements.
- Par 6.6 of the Guidelines states that Planning authorities should ensure appropriate expert advice and input where necessary, and have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.

4. Assessment of the Proposed Development by Reference to the Dublin City Development Plan 2022-2028 and Relevant Updated Guidance

4.1 Context

- 4.1.2 I have assessed the proposed development in this section by reference to both the current statutory Development Plan and relevant updated guidance to avoid unnecessary repetition as there is a degree of overlap in matters arising.

4.2 Proposed Development

- 4.2.2 In brief, the application seeks to demolish the existing 1- and 2- storey commercial and warehouse buildings and construct 593 no. student beds in 72 student apartments and 88 studios across 5 blocks within 2 buildings ranging in height from 4- to 6-storeys, based on T-shaped floor plan. Access to the site is via Shanowen Road.

4.3 Land Use Zoning

- 4.3.2 Under the DCCDP 2016-2022 the site was subject to land use zonings Z1 - Sustainable Residential Neighbourhoods with a stated objective 'To protect, provide and improve residential amenities.' Residential was permitted in principle in this zoning matrix albeit I note student accommodation was not specifically mentioned. In the current DCCDP 2022-2028 the site retains Sustainable Residential Neighbourhoods – Zone Z1 zoning with the same objective to protect, provide and improve residential amenities. However under the DCCDP 2022-2028 Student Accommodation is 'Open for Consideration' within this zoning matrix.
- 4.3.3 Section 5.5.7 *Specific Housing Typologies* of the DCCDP 2022-2028 establishes that purpose-built student accommodation (PBSA) plays an important role in providing well managed student accommodation for the approximately 53,000 students in the city and such schemes have also in many instances had positive impacts resulting in greater availability of housing stock in the private residential sector to meet housing demands and transformative regeneration benefit. Policy QHSN45 *Third-Level Student Accommodation* sets out that it is the policy of DCC to support the 'provision of high-quality, professionally managed and purpose-built third-level student accommodation in line with the provisions of the National Student Accommodation Strategy (2017), on campuses or in appropriate locations close to the main campus or adjacent to high-quality public transport corridors and cycle routes, in a manner which respects the residential amenity and character of the surrounding area, in order to support the knowledge economy...'
- 4.3.4 The site is located to the north of Dublin City centre in Santry and is approximately 300m from the existing DCU campus at Collins Avenue or 7 minutes walking time.
- 4.3.5 The applicant has submitted a Student Demand and Concentration Report, which outlines demand for student accommodation based on Census data and seeks to justify the development in the context of current student accommodation provision in the area and existing and projected demand for same. I refer the Board to section 10.4 of the original inspector's report dated 29th September 2022. Having regard to the Student Demand and Concentration Report submitted and the proximity of the site to DCU, I am satisfied that the development will not represent proliferation and/or concentration of clusters of student accommodation in the area having particular regard to the brownfield nature of the site and the characteristics of the receiving

environment and is therefore acceptable in accordance with QHSN44 of the DCCDP 2022-2028.

- 4.3.6 Accordingly, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives for Z1 as set out in the Development Plan 2022-2028 and no material contravention issues arise.

4.4 Telecommunication Structures

- 4.4.2 Regarding the proposed six no. antennas and four no. transmission dishes, all pole mounted, at Block 2, the original inspectors report dated 29th September 2022 (section 10.4.2) recommended that this aspect of the development be omitted by condition if permission is granted given that new telecommunications infrastructure has already recently been permitted adjacent to the site and that the applicant has not provided any evidence of a requirement for additional infrastructure, or that there has been any attempt to co-locate with nearby infrastructure. It is a policy of DCC under Policy SI48 *Sharing and Co-Location of Digital Connectivity Infrastructure* of the DCCDP 2022-2028 to encourage the sharing and co-location of digital connectivity infrastructure. Therefore, I concur with the original inspector's opinion that the six no. antennas and four no. transmission dishes should be omitted and I am satisfied that this is in accordance with Policy SI48 of the DCCDP 2022-2028 and Section 4.3 of the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996) as referenced in the inspector's report of 29th September 2022.

4.5 Demolition Works

- 4.5.2 The application includes the demolition of the existing 1- and 2- storey commercial and warehouse buildings (c. 10,703 sqm) on site.
- 4.5.3 From a climate action/energy perspective, I note the current DCCDP 2022-2028 introduced provisions (including 15.7.1 and CA6, CA7 & CA10- Climate Action Energy Statement) and acknowledge the 'embodied carbon' implications associated with the demolition and reconstruction of a new development. Section 15.7.1 sets out that where demolition is proposed, the applicant must submit a demolition justification report to set out the rationale for the demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition, such as refurbishment, extension or retrofitting are not possible; as well as the additional use of resources and energy arising from new construction relative to the reuse of existing

structures. However, this must also be balanced with the wider sustainability issues associated with redeveloping this brownfield site.

4.5.4 I refer the Board to the Construction and Demolition Waste Management Plan (C&DWMP) submitted with the planning application which meets the requirements of the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction & Demolition Projects (DoEHLG, 2021)'. Implementation of the Plan will ensure effective waste management and minimisation, reuse, recycling, recovery, and disposal of waste material generated during the construction phase of the project. Where waste generation cannot be avoided this C&DWMP will maximise the quantity and quality of waste delivered for recycling and facilitate its movement up the waste hierarchy away from landfill disposal and reduce its environmental impact. The Contractor's C&DWMP will be required to detail the intended practice for the management of waste arising from the construction and demolition processes and in particular the management of hazardous waste and recyclable materials. The C&DWMP notes that it is imperative that the client ensure that the waste contractors engaged by construction contractors are legally compliant with respect to waste transportation, recycling, recovery and disposal. This includes the requirement that a contractor handle, transport and recycle/recover/dispose of waste in a manner that ensures that no adverse environmental impacts occur as a result of any of these activities and to reduce the potential embodied carbon implications.

4.5.5 Section 3.0 of the C&DWMP sets out the design approach which is based on international principles of optimising resources and reducing waste on construction projects. Section 3.1 Designing For Prevention, Reuse and Recycling sets out that undertaken at the outset and during project feasibility and evaluation the Client and Design Team considered:

- Establishing the potential for any reusable site assets (buildings, structures, equipment, materials, soils, etc.);
- The potential for refurbishment and refit of existing structures or buildings rather than demolition and new build;
- Assessing any existing buildings on the site that can be refurbished either in part or wholly to meet the Client requirements; and
- Enabling the optimum recovery of assets on site.

- 4.5.6 The existing structures on site are noted in the documentation as being in poor condition. Having regard to overarching national and regional planning policy to deliver compact growth through densification, I am satisfied the applicant has adequacy justified demolition of structure on site and that the re-use of the existing structures in accordance with CA6 is not a viable option for the development of the site and as per section 15.7.1 demolition is justified.
- 4.5.7 As regards compliance with CA7 and CA10 an Energy Statement has been prepared by Ethos Engineering. The report confirms that the proposed development will comply with Part L 2017 regulations for student accommodation and achieves a provisional BER certificate of A3. Similarly, a Building Life Cycle Report have been submitted.
- 4.5.8 Furthermore the Archaeological and Cultural Heritage Impact Assessment submitted concluded that the proposed development site does not contain any recorded monuments, protected structures or items listed in the NIAH. No direct or indirect impacts to the recorded archaeological, architectural or cultural heritage resource as a result of the development proposals have been identified. The potential for surviving sub-surface archaeological sites or features within the proposed development area is regarded as low-negligible as it comprises a previously developed brownfield site, currently occupied by modern buildings. No direct impacts to this aspect of the archaeological resource have therefore been identified. As no direct or indirect impacts to the archaeological or cultural heritage resource have been identified, no mitigation measures are deemed necessary.
- 4.5.9 In summary, I do not consider the retention of the existing structures on site could be reasonably required as part of a comprehensive redevelopment of the site. I consider that demolition is justified in this case in light of the overarching needs to achieve higher-density, compact, sustainable development on brownfield sites in accordance with objectives of the DCCCDP 2022-2028 and the over-arching aims of the National Planning Framework. Accordingly, I have no objection in principle to the demolition of the existing buildings and no material contravention issues arise.

4.6 5% Community, Arts and Cultural spaces - Objective CU025

- 4.6.2 Objective CU025 of the Development Plan 2022-2028 requires that for all large-scale developments above 10,000sq.m in total area, a minimum of 5% community, arts and culture spaces including exhibition, performance and artist workspaces predominantly

internal floorspace is to be provided. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

- 4.6.3 Subsequent to the adoption of the DCCDP 2022-2028 Dublin City Council has published a new **Cultural Infrastructure Guidance & Toolkit** resource to support property developers, cultural operators and resource organisations deliver cultural and community spaces in the city. The Building Culture Toolkit is a complementary resource to Chapter 12 (CUO25) Culture of Dublin City Development Plan 2022-2028. The Toolkit provides some of the building blocks to help guide the process of delivering cultural infrastructure, by helping developers: • identify and respond to a real need, • design for a clearly defined cultural use, and • select a delivery model that is sustainable for both developer and operator. Of note the Toolkit advocates early engagement with the Council in advance of any lodgement of a planning application.
- 4.6.4 Regarding the current proposal the cumulative gross floor area of the proposed SHD is 18,524sqm as per item 15 (c) of the application form. 5% of 18,524sqm is 926.2sqm. While internal communal amenity facilities (including study areas, gym, cinema room, lounges, laundry) management offices and stores/service areas (c. 1,182 sqm) have been provided. I do not consider the uses identified can be considered as community use in the context of CUO25 as they are intended for use by the general public. Therefore, the development as proposed would materially contravene objective CUO25.
- 4.6.5 There is no recourse under SHD legislation to seek further information and compliance with CUO25 is a **‘New Issue’**. Therefore, if the Board are minded to grant planning permission and consider that clarification on matters relating to compliance with CUO25 is required this may be addressed by way of a “limited agenda” Oral Hearing. If a limited agenda oral hearing takes place, it will focus **only** on the issues contained within the limited agenda. I would direct the Board to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

4.7 Public Open Space/Connections and Objective SMT027

- 4.7.2 Regarding public open space, I refer the Board to section 10.6.2 of the inspector's report dated 29th September 2022. The open spaces within the site will not be accessible to the public and as such the development does not provide any public open space. The inspector's reports of 29th September 2022 determined that the proposed omission of public open space acceptable and not a material contravention of the Development Plan in relation to the matter of public open space given that there is a provision for a financial contribution in lieu under circumstances which apply in this case, i.e. site constraints. Similarly, the DCCDP 2022-2028 under section 15.8.7 and objective GI26 provides that where it is not feasible or realistic on site, the Council will require a financial contribution in lieu of provision to provide appropriate open space in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site. This approach is consistent with the DCCDP 2016-2022 and reflects the conclusion of the planning inspector in their assessment dated 29th September 2022. Having regard to section 15.8.7 and objective GI26, I do not consider this a material contravention of the DCCDP 2022-2028. I note that the Material Contravention Statement addresses the matter and it is therefore open to the Board to invoke the provisions of section 37(2)(b) if deemed necessary.
- 4.7.3 In addition to the above, I draw the Boards attention to Zoning Map B of the DCCDP 2022-2028 which identifies a new objective -specific objective SMT027 -Road, Street and Bridge Schemes. Objective SMT027 relates to the initiation and/or implementation of street/road schemes and bridges within the six year period of the Development Plan, subject to the availability of funding and environmental requirements and compliance with the 'Principles of Road Development' set out in the NTA Greater Dublin Area Transport Strategy. Included in this objective is a new road/street through the subject site and the adjoining lands to the south linking Shanowen Road to Collins Avenue Extension.
- 4.7.4 Section 8.5.8 *Street/Road, Bridge and Tunnel Infrastructure* sets out that it is acknowledged that new street/road infrastructure and improvements to existing streets/roads will be required over the period of the plan to improve the efficiency and safety of the street/road network or to open up areas for development. This new objective is identified traversing the subject site, however as noted above the site is not accessible to the public and while the application notes that the proposed

development has been designed to enable potential future links to adjacent sites to the south and can benefit permeability in this regard, improving connections to DCU, subject to landowner agreement, no publicly accessible through route is proposed from Shanowen Road through the site and beyond the site to the south (via DCC lands) as per Objective SMTO27. The development therefore materially contravenes SMTO27 of the DCCDP 2022-2028.

- 4.7.5 I note the eastern site boundary consists of a gated pedestrian and vehicular access with a connecting path running the entire length of the eastern boundary and along the southern boundary including the identified location of 'potential future connection to adjoining development lands'. There is potential, in my opinion to make this eastern access from Shanowen road through the site publicly accessible with onward connections through the site to the southern boundary and the identified location for 'potential future connection' to the adjoining DCC lands. Similarly the northern portion of the western site boundary includes a 'right of way' incorporating an access road with the possibility of connections. The implementation of a publicly accessible link route through the site would result in significant alterations to the layout that cannot be addressed by way of condition in my opinion.
- 4.7.6 However, as set to above there is no recourse under SHD legislation to seek further information and compliance with SMTO27 is a **'New Issue'**. Therefore, if the Board are minded to grant planning permission and consider that clarification on matters relating to compliance with SMTO27 is required this may be addressed by way of a "limited agenda" Oral Hearing. If a limited agenda oral hearing takes place, it will focus **only** on the issues contained within the limited agenda. I would direct the Board to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances

4.8 Design Strategy

- 4.8.2 The original Inspector's report was satisfied that the design and layout of the development was acceptable. The original Inspector's report dated 29th September 2022 has addressed issues such as design and layout including quality of student accommodation in section 10.6, and I do not consider that the proposed SHD fundamentally departs from any of the provisions of the current Development Plan or Guidelines. In fact, the standards set out in the DCCDP 2016-2022 remain the same

in the current DCCDP 2022-2028 as set out in section 15.13.1. The unit mix, floor areas, communal requirements for accommodation clusters, daylight and sunlight were determined to be acceptable as per the inspector's report dated 29th September 2022 and remain applicable. I refer the Board to section 10.6 of the inspector's report dated 29th September 2022.

4.8.3 For clarity, as set out in the Material Contravention Statement, several seven and eight bedroom cluster units exceed the 160 sq.m. maximum and a number of studio units exceed the 35 sq.m. maximum. As set out in the original inspector's report this may be considered to be a material contravention of the Development Plan given that the floor areas exceed the maximum specified. The applicant submits that the larger floor areas are to achieve a higher standard of accommodation, I would agree, and I have no objection to same. The planning authority also states no objection to the stated material contravention relating to floor areas. The matter is addressed in the Material Contravention Statement, such that the Board may involve the provisions of section 37(2)(b) in relation to the matter.

4.8.4 Overall, I am satisfied that the layout is acceptable and consistent with QHSN45 to 'support the provision of high-quality, professionally managed and purpose-built third-level student accommodation....' as set out in section 5.5.7 *Specific Housing Typologies* of the DCCDP 2022-2028 in coming to this conclusion I have had regard to the inspector's report of 29th September 2022 and the following sections of this report including table 1 and table 2.

National Policy

4.8.5 The **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)** replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) which were in place at the time the SHD application was made, and which are referenced in the Inspector's report.

4.8.6 The 2024 Guidelines contain four SPPRs as follows:

SPPR 1(separation distance) – This states, inter alia, there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. While the proposed student accommodation does not fit into any of the above categories by

reason of design and layout, I am satisfied undue overlooking of habitable rooms would not occur. I consider the application to be consistent with SPPR 1.

SPPR 2 (Minimum Private Open Space Standards for Houses) – The application is for student accommodation

SPPR 3 – This relates to car parking and states, inter alia, that in urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced, or wholly eliminated. This SHD application proposes 3 no. car parking spaces accessed from the eastern side of the northern perimeter at Shanowen Road, with 4 no. motorcycle parking spaces also at this location adjacent to a service / set-down. The site is located in an urban neighbourhood as defined in Chapter 3 (Table 3.1 and Table 3.2) of the guidelines. In such locations the guidelines states that car-parking provision should be minimised, substantially reduced or wholly eliminated.

DCC had expressed no concern with car parking provision proposed. In the DCCDP 2016-2022, the site was in area 3 for car parking purposes. The Plan had a maximum standard of 1 space per 10 bedspaces. The site is identified as being in zone 2 for car parking (alongside key public transport corridors; BusConnects appears to be the reason for the change) as per Map J of the DCCDP 2022-2028. Table 2 of Appendix 5 sets out a requirement of 1 space per 20 bedspaces, this equates to a requirement of 30 no. spaces. However, section 4.0 of Appendix 5 sets out that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. Bus stops are located within 250m on Collins Avenue, with Bus Connects Corridors 2 and 3 at Ballymun Road and Swords Road located within 750 metres of the site. In addition, the proposed Metrolink stop at Collins Avenue is located c. 750 metres west. As per the table 3.8: Accessibility of the Compact Settlement Guidelines Apartment Guidelines 2023 the subject site is within a 'mightily accessible location'. Therefore, I am satisfied that a car parking proposed is acceptable.

The proposed provision of three no. accessible car parking spaces and four no. motorcycle spaces is addressed in the Material Contravention Statement. Given that the Development Plan sets out maximum car parking standards and provides for provision below the maximum, I do not consider that the development would materially contravene the DCCDP 2022-2028 in this respect. I am satisfied that the proposed

quantum of car parking is acceptable given the proximity of the site to the DCU campus and to a wide range of services and amenities and to the availability of public transport.

Therefore, I consider that the car parking provision is appropriate and in accordance with SPPR 3 and the DCCDP 2022-2028.

SPPR 4 – This relates to the quantity and design of cycle parking and storage and an appropriate condition can be attached to any grant of permission that may issue.

4.8.7 Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development against the stated 'key indicators of quality design and placemaking' is outlined in the following table;

Table 1 – Assessment of Key Indicators of Quality Design and Placemaking

(i) Sustainable and Efficient Movement	<p>(a) The proposed development will benefit from good connections to existing and planned bus services and is within 10 minutes walking distance of Ballymun/Finglas to City Centre BusConnects and BusConnects Swords to City Centre. The provisions within the proposed development are planned to actively contribute and promote environmental sustainability. Reducing motorisation footprint is demonstrated through the reduced parking provision within the proposed design.</p> <p>(b) I refer the Board to section 4.8 above regarding opportunities to improve connections.</p> <p>(c) The application includes Traffic and Transport Assessment incorporating a DMURS Statement. The access and parking strategy for the proposed development has been designed to prioritise sustainable transport modes by reducing car parking. The Mobility Management Plan for the development has targeted an 85% modal share for active travel models i.e. walking and cycling in line with the above factors and the letter of support provided by DCU which indicates that vast majority of residents are likely to be studying there.</p> <p>(d) I refer the Board to section 4.9.5 above. The quantum of car parking is deemed acceptable.</p>
(ii) Mix and Distribution of Uses	<p>(a) The proposal comprises the redevelopment of underutilised, brownfield land to implement a purpose-built student accommodation and will add to the stock of student bed spaces in Dublin and response</p>

	<p>to meeting an identified need for high quality and effectively managed accommodation. Internal communal amenity facilities (including study areas, gym, cinema room, lounges, laundry), management offices and stores/service areas provide a mix of amenities for future occupiers.</p> <p>I refer the Board to section 4.7 as regards compliance with Objective CUO25 introduced as part of the DCCDP 2022-2028.</p> <p>(b) City and town centre policy is not applicable.</p> <p>(c) The proposed development suitably caters for service/amenities which will be enhanced by the adjoining existing and permitted developments.</p> <p>(d) As outlined in section 4.9 of this report, the proposed quantum of development promotes intensification.</p> <p>(e) As outlined in section 4.8.5 and Table 2 of this report, the proposed development aligns with public transport services.</p> <p>(f) The unit mix is in accordance with section 15.13.1 of the DCCDP 2022-2028.</p>
(iii) Green and Blue Infrastructure	<p>(a) One of the primary objectives of the landscape design is to promote the enhancement of local biodiversity and ecological networks. A multi-faceted approach will be taken in this regard through the careful consideration of plant materials and through key interventions across the scheme. The various plant species have been selected using the guidance set out in the 'All Ireland Pollinator Plan 2015-2020'. Furthermore, it is proposed to introduce Swift Boxes, Bird Boxes, Bat Boxes, Pollinator friendly mowing regimes and Solitary Bee habitats across the site. I am satisfied that these measures will enhance biodiversity on the site and reflect the principles of the National Biodiversity Action Plan (NBPA) 2023-2030'. The provision of urban greening methods improves the overall quality of the environment and enhances the well-being in accordance with policy CA29 and GI16 of the DCCDP 2022-2028.</p> <p>(b) The proposal includes an integrated network of multifunctional and interlinked urban green spaces, including a large central green spaces, perimeter walkways and pockets of seating and gathering areas.</p> <p>(c & d) One of the primary landscape objectives is to implement a</p>

	<p>combined SUDS strategy for the development. Extensive rainwater collection areas are proposed as part of the defensive planting strategy to the ground floor of each building. These zones are envisaged as rain gardens with the capacity to store/reduce run-off and treat storm water prior to delivery to attenuation tank before it enters the public storm network. These spaces are not limited by their technical criteria and will provide a densely populated garden style planting with a variety of pollinator friendly and water loving plant species to be enjoyed by the residents. Further SuDS measures include permeable surface (grass) and green roofs where feasible within the architectural strategy. For full detail of SuDS measures I refer the Board to the Civil Engineers drawings and report accompanying this application. I am satisfied that the Green Infrastructure proposed is consistent with SC13 Green Infrastructure, 3, Section 10.5, Policy GI13- GI17 of Chapter 10 and Section 9.5.4 Surface Water Management and Sustainable Drainage Systems (SuDS), SI22-SI25 of Chapter 9 of the DCCDP 2022-2028. I draw the Boards attention to:</p> <ul style="list-style-type: none"> • Section 3.0 of the Engineering Services Report which addresses Surface water Drainage including Surface Water Management Plan and is consistent with SI25 - Surface Water Management Plan of the DCCDP2022-2028. • SI23 and Appendix 11 Table 1 of the DCCDP 2022-2028 set out Green Blue Roof Minimum Coverage as 50%. The percentage of green roofs proposed has not been quantified in this SHD application and a cursory assessment of the drawings would indicate that this 50% has not been achieved and the central section of the roof is occupied by photovoltaic panels. In this regard I note Appendix II includes '<i>Exemptions</i>' with reference to PV panels and suggests that the design should consider placing PV panels over vegetated areas of the roof. Reference under '<i>Exemptions</i>' and PV panels creates ambiguity in my opinion and therefore I do not consider a short fall in the 50% green/blue roof coverage (which I note appears minimal) to be a material contravention of SI23. Should the Board be minded to grant planning permission the percentage of green/blue roof proposed can be clarified/addressed way of condition.
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(iv) Public Open Space	<p>(a) There is no public open space proposed as part of the development. I refer the Board to section 4.8 above.</p> <p>(b) The layout provides one central communal open space and a series of courtyards yards providing multifunctional activity spaces. The proposed development incorporates shared amenity spaces integrated active and passive recreation opportunities that connect each student residence block and courtyard. I am satisfied that communal open space proposals are satisfactory in terms both quantity and qualitative design as per section 4.8 above.</p>
(v) Responsive Built Form	<p>(a & b) The proposed development address the public road along Shanowen road. The building line onto Shanowen Road follows the setback precedent established at Milners Square, adjusted for the slight bend in the road. The building activates the street frontage by providing a variety of uses at ground levels including main entrance, reception and foyer enhanced by floor to ceiling glazing. The five storeys at street frontage reflect the parapet lie established on the adjoining Milners Square development. CGIs and Verified Views are included in this application and I am satisfied that these demonstrate generally minimal or limited visual impact on adjoining lands and surrounding street.</p> <p>(c) The proposal will strengthen the overall urban structure and will provide for future opportunities to create new linkages.</p> <p>**I refer the Board to section 4.8 as regards compliance with Objective SMT027 of the DCCDP 2022-2028.</p> <p>(d) The proposed frontage will provide activity along the principal frontage and will actively engage with the streetscape.</p> <p>(e) The proposal embraces modern architecture and urban design using simple architectural language for the residential blocks to act as a backdrop to the public realm. The proposed development will be complemented by the other permitted development to the east and will enhance local distinctiveness.</p> <p>(f) All elevations will be clad in brick, with 2 colours proposed, depending on location. The background colour is a neutral light brown/ cream brick on typical facades. Small elements of local stone will be used, no render proposed. metal cladding/ window detailing at block entrances and communal areas providing visual interest along the length of the facades. I am satisfied that the materials and finishes will successfully</p>

	respond to local character and will be highly durable as outlined in the Building Lifecycle Report.
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Summary: Having regard to the foregoing, I consider that the proposed SHD would be consistent with the relevant provisions of the Compact Settlement Guidelines (2024).

Conclusion

In conclusion, the original Inspector's report dated 29th September 2022 considered the proposed development in the context of design and layout. The current DCCDP 2022-2028 reflects similar design and layout standards, however, I acknowledge the introduction of Policy CUO25 and Objective SMTO27 under the DCCDP 2022-2028 have implications for the design and a layout of the scheme. While I am satisfied that the design and layout of the development is acceptable in the context of the recently published Compact Settlement Guidelines 2024 as detailed in Table 1 above and the project adopts a considered architectural design response the layout does not represent compliance with Policy CUO25 and Objective SMTO27 of the DCCDP 2022-2028 and would represent a material contravention of Policy CUO25 and Objective SMTO27 and such matters cannot be addressed by way of condition. I have addressed these matters in section 4.7 and 4.8 above.

4.9 Density and Building Height

Density

- 4.9.2 As per the original Inspector's report dated 29th September 2022, residential density parameters are not readily applicable to student accommodation proposals, given the nature and format of same. The Apartment Guidelines 2023 apply to apartment developments and set out standards for same. Given the specific format of student accommodation, with bedrooms clustered around a shared living/kitchen area with open space provided in the form of communal areas, the application of the standards within the Apartment Guidelines is not feasible, nor is it intended.
- 4.9.3 The development has a proposed density of 148 units/ha. The Inspector was satisfied that the density was acceptable having regard to the nature of the accommodation, i.e. student accommodation where living units are smaller, the density cannot be compared directly with more typical apartment units. I agree.

- 4.9.4 By way of information for the Board, Table 1 *Density Ranges* Appendix 3 of the Development Plan sets out that Outer Suburbs have an indicative density of 60-120 uph and land within the City Centre and Canal Belt have an indicative density of 100-250 units. I am of the opinion that this site likely does not fit neatly into either category. The site is within a 'Public Transport Corridor' defined as a 'Key Location' for increased heights and density in Appendix 3 of the Development Plan, which is suitable for a high-density residential development and increased building heights. Appendix 3 states that "*Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan.*" This site is s one such site (refer section 4.8.5 SPPR3 above)
- 4.9.5 The density proposed of 148units/ha. is considered to be appropriate given that the subject site is underutilised and given its accessible location (as defined in Appendix 3 of the Development Plan). The proposed development in this location would not contradict density standards contained in the DCCDP 2022-2028 which advocates an approach of consolidation and densification in the city, this is supported by Policy SC10 Urban Density and Policy SC11 Compact Growth of the CDP.
- 4.9.6 As note above since the submission of this SHD the **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)** have come into effect. The site is a City - Urban Neighbourhoods location as per table 3.1 of the guidelines. Table 3.1 set out that these areas are 'highly accessible urban locations with good access to employment, education and institutional uses and public transport'. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. Therefore, I am satisfied that the density proposed is within the ranges established in the Compact Settlement Guidelines 2024. Albeit I note the Guidelines do not specifically reference student accommodation.
- 4.9.7 In summary, I am satisfied that the proposed development in this location is in accordance with the DCCDP 2022-2028 which advocates an approach of consolidation and densification in the city and the proposed density complies with Government policy to increase densities on underutilised lands within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change. I am further satisfied that there is no material contravention of the DCCDP 2022-2028 as regards density.

Plot Ratio /Site Coverage

- 4.9.8 The current proposal has a plot ratio of 1.70 and site coverage of 31%. The 2016-2022 Development Plan section 16.5 specified an indicative plot ratio standard of 0.5-2.0 for the Z1 zoned land. Section 16.6 specified a site coverage of 45% - 60% at Z1 zoned land.
- 4.9.9 Under the DCCDP 2022-2028 Table 2 of Appendix 3 sets out an indicative plot ratio for outer employment and residential areas at 1.0-2.5 and indicative site coverage at 45 -60% which reflects the DCCDP 2016-2022. The development is within this plot ratio parameter with a plot ratio of 1.7. The development achieves a stated site coverage of c. 31%, which is below the recommended parameters, and the matter is addressed in the applicant's Material Contravention Statement.
- 4.9.10 Table 2 of Appendix 3 of the DCCDP 2022-2028 sets out 'indicative' standards. In this regard, I agree with the inspector's report dated 29th September 2022 that given that the standard for site coverage is 'indicative', I do not consider that the development materially contravenes the Development Plan 2022-2028 in this respect, however, as it is raised in the applicant's Material Contravention Statement, it is open to the Board to invoke the provisions of section 37(2)(b) in relation to the matter. In any case, as per Appendix 3 of the CDP 2022-2028 site coverage is a control for the purpose of preventing the adverse effects of over development, thereby, safeguarding sunlight and daylight within or adjoining a proposed layout of buildings. These matters were considered comprehensively in the inspectors reports of 29th September 2022 and deemed acceptable. I have addressed the issue of building height and placemaking standards in more detail in section 4.8 above including table 1 and table 2 below in the context of the DCCDP 2022-2028 and the Compact Settlement Guidelines 2024 and I am satisfied that the design and layout of the development is acceptable and in accordance with the provision of the DCCDP 2022-2028 and the Compact Settlement Guidelines.

Building Height

- 4.9.11 The proposed development ranges in height from 4 storeys (13.65m) to 5 storeys (16.725m) and 6 storeys (20.55m) at the central spine of Blocks 2 & 3 and Blocks 4 & 5. Building height is modulated, stepping down towards site boundaries to mitigate amenity impact on neighbouring properties. The Dublin City Development Plan 2016 -2022 plan established a height limitation of 16 metres for the 'Outer City', where the

subject site is located. The proposed development exceeded this height limit and therefore a material contravention of the CDP in this respect of same was submitted with the application.

- 4.9.12 The building height issue was addressed in section 10.8 of the Inspector's report of 29th September 2022. The proposed building heights were considered at the scale of the city, at the scale of the district/neighbourhood/street, and at the scale of the site/building, in the context of the Urban Development and Building Height Guidelines (2018). These Guidelines remain the applicable Guidelines for building height. The report's conclusion was that the proposed heights were acceptable in principle.
- 4.9.13 Section 4.5.4 *Increased Height as Part of the Urban Form and Spatial Structure of Dublin* of the **DCCDP 2022-2028** establishes policy context. The Development Plan does not provide prescriptive height limits but reflects national guidance. Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted and also performance criteria for the assessment of such development. Appendix 3 also details the different classifications of building height in the city i.e., prevailing height in a given area; locally higher buildings (which are typically up to 50m); and landmark/tall buildings which are significant features in the cityscape.
- 4.9.14 Appendix 3 sets out that there are considered to be three general categories of height in the Dublin Context, of relevance to the subject site is category - Prevailing Height. The Development Plan states that this is the most commonly occurring height in any given area and "Within such areas, there may be amplified height. This is where existing buildings within the streetscape deviate from the prevailing height context, albeit not to a significant extent, such as local pop-up features. Such amplified height can provide visual interest, allow for architectural innovation and contribute to a scheme's legibility".
- 4.9.15 General building heights in the area range from to 2 storey residential houses (located opposite the site), with 2 storey commercial uses and recent 3-6 storeys residential along the southern side Shanowen Road including Shanowen Square student accommodation (4 storeys) and the 3-6 storeys Milner's Square located adjacent to the site on the eastern boundary. Therefore, there is precedent for increased height at this location in accordance with Appendix 3 (prevailing height) and the proposed development in the context of the emerging development would not be exceptional in

the context of the receiving environment and would be consistent with the prevailing character of the area.

Compliance with Appendix 3 of the DCCDP 2022-2028

- 4.9.16 Table 3 of Appendix 3 includes 10 objectives and performance criteria in assessing proposals for enhanced height, density and scale. The CDP states “it is acknowledged that schemes of increased density are often coupled with buildings of increased height and scale. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply”. I have reviewed the scheme relative to Table 3 of the DCCDP 2022-2028 in table 2 below and I am satisfied that the urban scale and building height proposed reflects a high standard of urban design, architectural quality and placemaking principles and the site has the capacity to accommodate increased building height in line with the provisions of the Development Plan.

Table 2 – Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCCDP 2022-2028

	Objective	Assessment
1	To promote development with a sense of place and character	<p>The proposed layout introduces 5 storeys at street frontage, matching the building line and parapet line established on the adjoining Milners Square development. The ground floor reception/ lobby area is in curtain walling with structure set back behind the glass, with 4-storeys in brick façade over. In addition, the central bay projects forward to create a 'break front' in the elevation.</p> <p>As described in table 1 above a pallet of high quality materials create a scheme with its own character.</p> <p>The layout provides for an active street frontage which I am satisfied will enhance and activate the site frontage which has been inactive and abandoned for some time and reflects a continuation of the adjoining character.</p> <p>The Board will note vehicular access to the site is via Shanowen Road to the north with an 'undocumented' Right of Access to Shanowen House from Shanowen Road to the west. This shared access will provide access to the adjacent Shanowen House and</p>

		<p>for fire tenders and emergency services to the proposed student development. However, as noted above there is no through access via the site and no public open space has been provided. I refer the Board to section 4.7 above.</p> <p>The design approach is supported by the Architectural Design Statement submitted with the application.</p> <p>Overall, I consider the proposed development would have its own sense of place and character and be distinctive in the area.</p>
2	To provide appropriate legibility	<p>The interface of the buildings and the streetscape has been a key consideration in creating an appropriate scale and massing for the blocks.</p> <p>The proposed building massing reflects a sensitive approach and appropriate building scale at the interface of the site and its surrounding neighbourhood. Blocks 2/3/4/5 close to east, west and south boundaries are 4 storeys to address issues of overlooking, and to maintain amenity (daylight/ sunlight) to adjoining sites – presenting 4-storeys to adjoining sites and stepping up to 6-storeys in the central areas of the site. The perimeter blocks have been designed to consider their relationship to neighbouring buildings. The massing of the block's tiers down to an appropriate scale creating a dialogue with the existing context.</p> <p>The proposed development would help to define the building lines and a new streetscape along the public road boundary and it would also introduce new, varied building heights on site.</p> <p>I consider appropriate legibility would result from the proposed development.</p>
3	To provide appropriate continuity and enclosure of streets and spaces	<p>The proposed development would significantly enhance the urban design context. The existing buildings are relatively low in height with external material storage and surface car parking areas and an overall negligible streetscape presence.</p> <p>The proposed development would create a significant built environment which would help to define the southern profile of Shanowen Road. The streetscape has been addressed through the use of different materials to identify active nodes and</p>

		<p>creating a different character to the floors above. In addition to maintaining the building line established by the adjoining Milners Square.</p> <p>The use as student accommodation will improve local footfall. In this way the streets are made to feel active, vibrant and safe for all who use them.</p> <p>Car parking would extremely limited resulting in limited vehicular movements ensuring the mixed use Shanowen Road will not be negatively impacted on.</p> <p>I am satisfied that the streetscape has been designed to ensure maximum integration with the surrounding context and the existing public realm. I consider that appropriate continuity is provided for in the proposed development.</p>
4	To provide well connected, high quality, and active public and communal spaces	<p>As noted above the scheme does not provide public open space. I refer the Board to section 4.7 above.</p> <p>As per table 1 above the layout provides one central communal open space and a series of courtyards yards providing multifunctional activity spaces. The proposed development incorporates shared amenity spaces integrated active and passive recreation opportunities.</p> <p>The courtyards are designed to be useful, inviting spaces for social interaction that enhance and build upon the biodiversity in the area. Planned to mitigate shade and to capture as much sunlight as possible.</p> <p>The communal open spaces are well overlooked and, as set out in the original Inspector's report dated 29th September 2022, would receive adequate daylight and sunlight. In addition, I note the acoustic report and wind and microclimate analysis determined that communal spaces to be achieve more than satisfactory conditions.</p> <p>The streetscape has been designed to ensure maximum integration with the surrounding context. The potential to improve connections in compliance with objective SMT027 is addressed</p>

		in section 4.7 above. Objective 4 should be considered in conjunction with section 4.7 and Table 1 above.
5	To provide high quality, attractive and useable private spaces	The provision of private amenity space is not a requirement for student accommodation.
6	To promote mix of use and diversity of activities	As per the inspector's report of 29 th September 2022 The development also provides a stated total of 1,182 sq.m. of internal amenity space, including study rooms, lounges, a cinema room, games rooms and a gym. However, as noted by DCC, this stated area also includes administrative / service areas including laundry, management offices and storage. In any case if the areas discussed above are omitted, the remaining provision provides a ratio of c. 6.2 sq.m. of communal amenities per bedspace. This quantum is within the 5-7 sq.m. of communal amenity (indoor/outdoor) space specified in the above Development Plan guidance for student accommodation (section 15.13 DCCDP 2022-2028).
7	To ensure high quality and environmentally sustainable buildings	<p>The original Inspector's report dated 29th September 2022 addressed in detail issues such as daylight, sunlight, and overshadowing (section 10.6.6), dual frontage units (section 10.6.6). While I note 554 of the 593 bedrooms are single aspect (93% of the total), with 135 no. single aspect north facing rooms (almost 23% the total) these figures are to be considered in the context of the student accommodation use of the rooms and their generally satisfactory performance in terms of Average Daylight Factor (ADF) as addressed in the inspector's report of 29th September 2022.</p> <p>Furthermore section 15.13.1.2 Daylight and Sunlight of the DCCDP 2022-2028 states that 'given the nature of student occupancy, the residential standards in relation to dual aspect may be relaxed'. Proposed developments shall be guided by the principles and standards set out in Appendix 16. The original inspector's report of 29th September 2022 applies the standards</p>

		<p>set out in Appendix 16. Furthermore, I agree with the original inspector's report that this approach is reasonable and that the Building Height Guidelines and the Apartment Guidelines (2023 update) allow for a variety of quantitative performance approaches to daylight and sunlight impacts, and the targets utilised in the applicant's Daylight and Sunlight Availability Assessment are contained within a document that is considered authoritative on the issue of daylight and sunlight. I further consider this approach consistent with the Apartment Guidelines 2023 and Appendix 16 of the DCCDP 2022-2028 and no material contravention issues arise.</p> <p>A number of relevant documents were submitted with the application including inter alia an Energy Report, Operational Waste Management Plan, Daylight and Sunlight Analysis, Technical Note Planning Stage Noise Report and Wind & Microclimate Assessment.</p> <p>I am satisfied that, should permission be granted, the proposed development would result in high quality and environmentally sustainable buildings.</p>
8	To secure sustainable density, intensity at locations of high accessibility	<p>The development on Shanowen Road is well located to benefit alternative modes of travel to Dublin city centre and to the University's campus. DCU with the campus located less than 500m away therefore easily accessible by walking or cycling.</p> <p>As set out above Bus stops are located within 250m on Collins Avenue, with Bus Connects Corridors 2 and 3 at Ballymun Road and Swords Road located within 750 metres of the site. In addition, the proposed Metrolink stop at Collins Avenue is located c. 750 metres west.</p> <p>In my opinion the proposed development would result in a sustainable density appropriate to its location within easy access of BusConnects and proposed Metrolink, would be in line with the Compact Settlement Guidelines (2024), and consistent with other densities in the vicinity.</p>
9	To protect historic	<p>The proposed development site does not contain any recorded monuments, protected structures or items listed in the NIAH.</p>

	environments from insensitive development	<p>Furthermore, the Archaeological and Cultural Heritage Impact Assessment did not raise any concerns in this regard determined no direct impacts.</p> <p>Issues of archaeology and cultural heritage were thoroughly considered in the original Inspector's report dated 29th September 2022 in section 10.12. It was concluded that no undue adverse impact would occur. Condition no. 25 refers to archaeology.</p> <p>I am satisfied that there would be no undue adverse impact on the historic environment.</p>
10	To ensure appropriate management and maintenance	<p>The application was accompanied by a number of relevant documents including:</p> <ul style="list-style-type: none"> • a 'Student Management Plan' which describes the processes and practices to be implemented for the effective management of the proposed development. • a 'Mobility Management Plan' which aims to guide the delivery and management of several coordinated initiatives to encourage sustainable travel practices for all journeys to and from the proposed development. • an 'Operational Waste Management Plan' relating to the management of waste during the operational phase. • a Construction & Demolition Waste Management Plan. <p>I also note that recommended condition no. 22 of the original Inspector's report dated 29th September 2022 requires submission of a final CMP for the construction phase.</p> <p>I consider the proposed development would be appropriately managed and maintained.</p>

Summary: Having regard to table 2, above, I consider that it has been appropriately demonstrated that the proposed development would be acceptable in terms of building height, density, and scale the context of table 3 of appendix 3 of the DCCDP 2022-2028.

Conclusion

- 4.9.17 This Addendum Report considers the issues of density and building height in the context of the DCCDP 2022-2028 i.e. the Statutory Development Plan, and relevant guidance that has been adopted since the Inspector's report was prepared.
- 4.9.18 The policy framework at national, regional, and local level seeks to encourage higher densities at appropriate locations. While the subject site is occupied by vacant commercial buildings, it is proposed to significantly intensify the use of the site to a higher-density, student accommodation development which is 'Open for Consideration' within this zoning matrix and would be also be consistent with the emerging scale and mixed use pattern of development in the area.
- 4.9.19 While the proposed development is for student accommodation and density standards are not as readily applicable, it is of note that density is in accordance with in the DCCDP 2022-2028. Policy SC10 sets out that it is policy to ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. These have since been replaced by Compact Settlement Guidelines (2024). The proposed 148uph density is within the relevant density range, it is consistent with other planning applications granted in the vicinity, and I consider it to be acceptable given the existing and emerging pattern of development in the area. I consider that the proposed development would be consistent with both policies SC10 and SC11 of the DCCDP 2022-2028.
- 4.9.20 In addition, in Table 2, above, I have assessed the proposed development against the 'Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale' as per table 3 of appendix 3 of the DCCDP 2022-2028. As a result, I concur with the original Inspector's report that the proposed building heights are acceptable at this location. In terms of building height, the site is located adjacent to two proposed core BusConnects corridors and within 750m of a proposed MetroLink station, it is typical of the emerging pattern of development in the vicinity, and it would be consistent with the requirements for higher buildings in terms of urban design, layout, permeability, residential amenity etc. I consider that the proposed development would be consistent with policies SC14, SC15, SC16, and SC17 of the DCDP 2022-2028.

- 4.9.21 Having regard to the foregoing, I consider that the proposed SHD density and building heights are acceptable by reference to the current statutory Development Plan and relevant updated guidance.

5. Appropriate Assessment (AA)

- 5.1 Table 10-2 (Protected Areas of International and National Importance) of the DCCDP 2022-2028 does not include North West Irish Sea SPA (site code 004236) because the SPA was not created until 2023. Table 15-1 (Thresholds for Planning Applications) of the Plan states that AA screening is required for all developments.
- 5.2 AA was carried out in section 12.0 of the original Inspector's Report dated 29th September 2022. It did not include North West Irish Sea SPA because it did not exist at the time the screening was prepared. Given the site location and the nature of the proposed development the areas of concern were (i) potential indirect hydrological connectivity via the Wad River culvert. Therefore, there is a hydrological connection between the site via (i) surface water discharges during the construction and operational phases and (ii) an indirect connection to the Dublin Bay European sites via the foul network via Ringsend Wastewater Treatment Plant (WWTP). Four European sites were considered to be within a potential zone of interest (Zoi) of the proposed development: South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. Other European sites were excluded from consideration for reasons of the nature and scale of the project, separation distances to European sites, the lack of direct hydrological connection, and dilution effects within the marine environment such that significant effects from the proposed development are not considered likely.
- 5.3 The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended) and, having carried out screening for AA, it was concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA, or any other European site, in view of the sites' conservation objectives, and AA and submission of a Natura Impact Statement was not therefore required.
- 5.4 In my opinion, the North West Irish Sea SPA would not have been included in the Zoi had it been in place at the time the original Inspector's report because of the

intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the surface water discharge point and / or the WWTP outfall pipe at Ringsend and the European site and potential for pollution to be dissipated in the drainage network

5.5 As the AA screening report concluded that there would be no likelihood of significant effects on the four European sites outlined, there would similarly be no likelihood of an impact on North-West Irish Sea SPA which is over 2km from the WWTP outfall across the marine environment.

5.6 Having regard to the foregoing, I do not consider that the introduction of the North West Irish Sea SPA, since the submission of the SHD application and preparation of the original Inspector's report, has any impact on the conclusion reached in the AA screening in the original Inspector's report that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on any European site in light of the requirements of section 177U of the Planning & Development Act 2000, (as amended). In my opinion that conclusion remains valid and unaffected by the North West Irish Sea SPA.

6. Other Issues

6.1 Though not sought or referenced in the Board direction I consider that the following issues are relevant in terms of briefly describing the wider planning environment in terms of how it has changed since the Inspector's report was prepared.

Climate Action Plan (CAP) 2024

6.2 CAP 2024 has replaced the CAP 2021 which was cited in the recommended Board order contained in the Inspector's report. Given the development location on a brownfield site in proximity to DCU, two proposed BusConnects core bus corridors and within 750m of proposed MetroLink station, I consider that the principle of the proposed SHD remains consistent with the broad theme of the 2024 CAP.

National Biodiversity Action Plan (NBPA) 2023-2030

6.3 The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also

understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

The subject site is a brownfield site and the proposed development provides for enhanced urban greening as part of the application through the incorporation of green elements into urban environment and infrastructure, such a green spaces and roofs. Greenifying urban spaces can offer numerous benefits for both the environment and its inhabitants, including creating new habitats, offsets carbon emissions, improve wellbeing and air quality and the potential to reduce noise pollution. I consider that the principle of the proposed SHD remains consistent with the broad theme of the NBPA 2023-2030.

7. Conclusion

- 7.1 The Board received a planning application for a housing scheme under section 4(1) of the Planning & Development (Housing) Residential Tenancies Act (2016). This addendum report should be read in conjunction with the Inspector’s report dated 29th September 2022.
- 7.2 I have considered the proposed development in the context of the current Dublin City Development Plan 2022-2028 and relevant updated guidance that has been introduced since the Inspector’s report was prepared. In my opinion the proposed development remains acceptable in terms of land use zoning, general design and layout, density, building height, unit mix etc.
- 7.3 However, the Plan introduced objective CUO25 which requires a minimum of 5%

community, arts and culture spaces in large scale developments above 10,000sqm. For this application an area of c.926.2sqm would be required but none has been provided. Having regard to the failure to provide any floor area to accommodate CUO25 requirements and the absence of a 'needs' based assessment, I consider that a refusal of permission on this basis is warranted.

7.4 The Plan also introduced objective SMT027 -Road, Street and Bridge Schemes - which requires the initiation and/or implementation of street/road schemes from Shanowen Road through the site to Collins Avenue Extension. The proposed SHD does not provide any through access via the site and although an indicative connection has been identified this is not identified as a publicly accessible connection which can facilitate linking Shanowen road via the DCC lands to the south with onward links to Collins Avenue Extension. I do not consider the requirement to facilitate/initiate this publicly accessible street/road linkage within the site boundaries can be addressed by way of condition and I consider that a refusal of permission on this basis is warranted

7.5 Since the preparation of the Inspector's report dated 29th September 2022 The new [North-West Irish Sea Special Protection Area \(SPA\)](#) was designated under the EU Birds Directive and covers more than 230,000 hectares of important marine waters for a range of bird species throughout the year. It increases the percentage of Ireland's marine waters which are protected under the EU Birds and Habitats Directives to over 9%. The new North-west Irish Sea SPA extends offshore along the coasts of counties Louth, Meath and Dublin. The new site will be a Special Protection Area (SPA) under the EU Birds Directive, of special conservation interest for the following species:

Common Scoter; Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Shag; Cormorant; Little Gull; Kittiwake; Black-headed Gull; Common Gull; Lesser Black-backed Gull, Herring Gull, Great Black-backed Gull, Little Tern, Roseate Tern, Common Tern, Arctic Tern, Puffin, Razorbill and Guillemot.

7.6 The new site adjoins twelve existing SPAs already designated for the protection of birds along the coast. These are:

- Lambay Island SPA
- Skerries Island SPA
- Ireland's Eye SPA
- Howth Head SPA

- Rockabill SPA
- South Dublin Bay and River Tolka Estuary SPA
- Boyne Estuary SPA
- River Nanny Estuary and Shore SPA
- Rogerstown Estuary SPA
- Malahide Estuary SPA
- Baldoyle Bay SPA and North Bull Island SPA.

7.7 I refer the Board to section 5.0 and Appendix 1 of this report. I do not consider that the introduction of the North West Irish Sea SPA, since the submission of the SHD application and preparation of the original Inspector's report, has any impact on the conclusion reached in the AA screening in the original Inspector's report. In my opinion that conclusion remains valid and unaffected by the North West Irish Sea SPA.

7.8 Having regard to the foregoing, If Board consider that clarification on matters relating to compliance with objective CUO25, objective SMT027 and the North West Irish Sea SPA is required I would direct them to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

8 Recommendation

Having regard to the above and to the content of the Inspector's report dated 29th September 2022, I recommend that permission be refused for the reason set out below.

9 Reason for Refusal

1. Objective CUO25 of the Dublin City Development Plan 2022-2028 requires that large scale developments over 10,000sqm must provide at a minimum for 5% community, arts, and culture spaces as part of the development. The proposed development does not provide for such floor area. The proposed development, therefore, would materially contravene objective CUO25 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. Objective SMT027-Road, Street and Bridge Schemes of the Dublin City

Development Plan 2022-2028 requires ‘the initiation and/or implementation of street/road schemes’ from Shanowen Road through the site to Collins Avenue Extension. The proposed development does not provide any publicly accessible street/road within the site boundaries as identified on Map Zoning Map B of the Dublin City Development Plan 2022-2028. The proposed development, therefore, would materially contravene objective SMT027 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

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

Irené McCormack

Senior Planning Inspector

26th November 2024

Appendix 1

Appropriate Assessment (AA) Stage 1

As set out in section 5, AA screening has already been carried out in the original Inspector’s report dated 29th September 2022 for South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. This appendix relates solely to AA screening in the context of North West Irish Sea SPA (site code 004236) which was introduced after the planning application was made and the original Inspector’s report was prepared.

Appropriate Assessment
Stage 1 – Screening Determination

Description of the project

I have considered the proposed development in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended).

Subject site

The subject site is a brownfield, urban site currently occupied by a vacant structures at Shanowen Business Centre & Kaybee House, Shanowen Road, Santry, Dublin 9.

Proposed development

The proposed development will consist of the demolition of existing 1- and 2- storey commercial and warehouse buildings (c. 10,703 sqm) and the construction of 593 student beds in 72 student apartments and 88 studios across 5 blocks within 2 buildings (total gross floor area c. 18,524 sqm).

The development site is within the Liffey and Dublin Bay catchment and the closest natural watercourse is the Ballymun Stream approximately 1.4km to the northwest, which flows into the Santry River c. 2 km north of the development site. The River Wad culvert flows adjacent to the southern site boundary and flows in a generally south easterly direction before discharging to the Tolka Estuary and ultimately into Dublin Bay.

Given the site location and the nature of the proposed development the areas of concern were (i) potential indirect hydrological connectivity via the Wad River culvert. Therefore, there is a hydrological connection between the site via (i) surface water discharges during the construction and operational phases and (ii) an indirect connection to the Dublin Bay European sites via the foul network via Ringsend Wastewater Treatment Plant (WWTP) with North Dublin Bay through the stormwater drainage which discharges into public sewer (Poddle River culvert) which outfalls into Dublin Bay.

Submissions and observations

Issues raised by observers in relation to AA are summarised in section 12.0 of the original Inspector's report dated 29th September 2022 under the subheading of 'Appropriate Assessment (AA)'. AA was not an issue raised by any of the prescribed bodies..

Potential impact mechanisms from the projectSite surveys

The application was accompanied by an Ecological Impact Assessment and Hydrological Risk Assessment. The dominant habitat on site is buildings and artificial surfaces, with some Flower Beds and Borders (BC4). Butterfly Bush *Buddleja davidii*, which is not listed on the Third Schedule of S.I. No. 477/2011 – European Communities (Birds and Natural Habitats) Regulations 2011 was identified on site.

European sites

Table 1 of the applicant's AA Screening Report identified 15 European sites within a precautionary zone of interest (Zoi). Four of these were considered to have a relevant source-pathway-receptor link (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA). I refer the Board to the section 13.0 of the original inspector's report dated 29th September 2022.

North West Irish Sea SPA was not considered in the submitted AA Screening Report, or in the original Inspector's report dated 29th September 2022, because it was not created until 2023.

Effect mechanisms

I consider that the only possible effect mechanisms to North West Irish Sea SPA are those indirect impacts identified in the submitted AA Screening Report i.e. weak hydrological pathways via surface water discharges from the site to the public surface water system during the construction phase and discharges from Ringsend WwTP into Dublin Bay. The site does not provide ex-situ habitat for the special conservation interest (SCI) species of the SPA.

European sites at risk (As previously set out this AA screening only considers North West Irish Sea SPA as all other European sites were included in the AA screening carried out in the original Inspector's report dated 29th September 2022).

Table 1 - European site at risk from impacts of the proposed project

Effect mechanism	Impact pathway	European site	SCI features at risk
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A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	North West Irish Sea SPA (site code 004236)	Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018] Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]
B) Discharges from Ringsend WwTP	Indirect impact via the foul network and marine environment		

The North-west Irish Sea SPA constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

Likely significant effects on the European site ‘alone’

Table 2: Could the project undermine the conservation objectives ‘alone’

European site and qualifying features (North West Irish Sea SPA)	Conservation objectives	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018] Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]	15 SCIs have, as their conservation objective, to maintain its favourable conservation objective i.e. A001, A003, A013, A065, A177, A179, A182, A183, A187, A192, A193, A194, A195, A199, and A200. Six SCIs have, as their conservation objective, to restore its favourable conservation objective i.e. A009, A017, A018, A184, A188, and A204.	N	N

Effect Mechanism A (surface water pollution during construction phase)

In terms of hydrological connectivity the Hydrological and Hydrogeological Qualitative Risk Assessment accompanying this application identified that there are no open streams or rivers on or adjacent to the site. The site will be served by the Wad River culvert, a surface water gravity sewer, south of the proposed development. Therefore, there is a weak

hydrological connection between the Site and South Dublin Bay and River Tolka Estuary SPA via surface water discharges during the Construction and Operational Phases.

The site is c. 9.5km to the southwest of North West Irish Sea SPA over both surface water and marine environments and the possibility of any impact on North West Irish Sea SPA from surface water discharge from the site is not at all likely.

Effect Mechanism B (Discharges from Ringsend WwTP)

Similarly, foul water from the development site would discharge to the public system and would be appropriately treated at Ringsend WwTP. The subject development would contribute a negligible additional loading to the WwTP. I do not consider that there would be any likelihood of an impact on North-West Irish Sea SPA which is approx. 2.2km from the WWTP outfall, across the marine environment.

Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any SCI species of North West Irish Sea SPA and, as such, I also conclude that it would have no likely significant effect in combination with other plans and projects on the SPA. No further assessment is required for the project.

Overall Conclusion – Screening Determination

Further to and in conjunction with the AA screening carried out in the original Inspector's report dated 29th September 2022, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

- objective information presented in the Appropriate Assessment Screening Report,
- the zone of influence of potential impacts which does not include Northwest Irish Sea SPA (site code 004236), and,
- the nature of the site which is not an ex-situ site for SCI species.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.